

ORDINANCE 80

An ordinance of the Town of Bayside, Texas, establishing a Municipal Court Technology Fund; providing for the assessment and collection of a municipal court technology fee; providing for severability; providing for publication and effective date; providing for expiration date.

Whereas, Article 102.0172 of the Code of Criminal Procedure provides for the establishment of a Municipal Court Technology Fund.

Be it Ordained by the Town Council of the Town of Bayside, Texas:

Section 1: Establishment of Municipal Court Technology Fund

- A. There is hereby created and established a Municipal Court Technology Fund, here-in-now known as the Fund, pursuant to Article 102.0172 of the Code of Criminal Procedure.
- B. The Fund may be maintained in an interest bearing account and may be maintained in the general revenue account.

Section 2: Establishment of Amount of the Fee and Assessment and Collection

- A. The fee shall be in the amount of four dollars.
- B. The fee shall be assessed and collected from the Defendant upon conviction for a misdemeanor offense in the Municipal Court as a cost of court. A Defendant is considered convicted if:
 - (1) judgment, sentence, or both are imposed on the person;
 - (2) the person is placed on deferred disposition; or
 - (3) the court defers final disposition or imposition of the judgment and sentence.
- C. The fee shall be collected on conviction for an offense committed on or after September 1, 1999 (or for convictions on offenses committed on or after ordinance is adopted).*
- D. The Clerk of the Court shall collect the fee and pay the fee to the municipal treasurer or (other official who discharges or performs the duties of the treasurer) of the Town of Bayside, Texas, who shall deposit the fee into the Municipal Court Technology Fund.

Section 3: Designated Use of the Fund and Administration

- A. The Fund shall be used only for the purpose of financing the purchase of or to maintain technology enhancements for the Municipal Court of the Town of Bayside, Texas. "Technology enhancements" shall include any and all items described in Article 102.0172 of the Code of Criminal Procedure.
- B. The Fund shall be administered by or under the direction of the Town Council, of the Town of Bayside, Texas.

* Fee may only be assessed and collected on offenses occurring on or after September 1, 1999. The fee may not be assessed or collected retroactively if Fund is established at a later date than September 1, 1999.

Section 4. Severability

If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance of the application thereby shall remain in effect, it being the intent of the Town Council, of the Town of Bayside, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any portion or provision.

Section 5. Repealing Conflict

All ordinances and parts of ordinances in conflict with the ordinance are hereby repealed to the extent of conflict with this ordinance.

Section 6. Publishing and Effective Date

This ordinance shall be published in accordance with the requirement of publishing all ordinances and becomes effect in accordance with state law upon passage, but no earlier that September 1, 1999.

Section 7. Administration of Fund

The purpose of the use of any funds remaining in the fund shall continue to be used and administered as required by this ordinance and for that purpose this ordinance remains in effect.

Passed, Approved, and Adopted on this the 10th day of January, 2006.

TOWN OF BAYSIDE, TEXAS

By: Billy P. Franks
Mayor

Attest:

Connie Cramer
City secretary

