

ORDINANCE NO. 2003-13

AN ORDINANCE OF THE CITY OF CANTON, TEXAS, REPEALING THE EXPIRATION DATE OF ORDINANCE 2001-09 ESTABLISHING A MUNICIPAL COURT TECHNOLOGY FEE; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

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

WHEREAS, the Sunset Provision requiring the fund to expire September 1, 2005, was repealed by HB 1066 effective September 1, 2003;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CANTON, TEXAS:

Section 1: The City of Canton hereby adopts

A. Establishment of Municipal Court Technology Fund

1. There is hereby created and established a Municipal Court Technology Fund, hereinafter called "The Fund," pursuant to Article 102.0172 of the Code of Criminal Procedure.
2. The Fund may be maintained in an interest bearing account and may be maintained in the general revenue account of the City.

B. Establishment of Amount of the Fee; Assessment and Collection

1. The fee shall be in the amount of \$4.00
2. 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:
 - a. A sentence is imposed on the person;
 - b. The person is placed on community supervision, including deferred adjudication; or
 - c. The court defers final disposition of person's case.
3. The fee shall be collected on conviction for an offense committed on or after the date upon which this Ordinance is adopted.
4. The Clerk of the Court shall collect the fee and pay the fee to the City Manager, who shall deposit the fee into the Municipal Court Technology Fund.

C. Designated Use of the Fund and Administration

1. The Fund shall be used only to finance the purchase of technological enhancements for the Municipal Court of this City, including all items described in Article 102.0172 of the Code of Criminal Procedure: computer systems, computer networks, computer hardware, computer software, imaging systems, electronic kiosks, electronic ticket writers, or docket management systems, and any related service and maintenance agreements.
2. The Fund shall be administered by or under the direction of the City Council of this City.

Section 2: Severability

If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of 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 or the application thereby shall remain in effect, it being the intent of the City Council of this City 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.

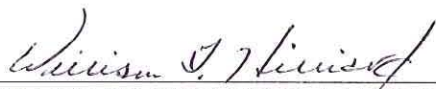
Section 3: Repealing Conflict

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

Section 4: Publication and Effective Date


This ordinance shall be published in accordance with the requirement of publishing all ordinances and becomes effective in accordance with state law upon passage.

PASSED, ADOPTED, AND APPROVED on this the 21st day of October, 2003.



WILLIAM F. HILLIARD, MAYOR
The City of Canton, Texas

ATTEST:



JULIE H. JACKSON, CITY SECRETARY
The City of Canton, Texas