

ORDINANCE NO. 01-18

AN ORDINANCE OF THE CITY OF COMMERCE, TEXAS, PROVIDING FOR A "MUNICIPAL COURT BUILDING SECURITY FUND" PROVIDING FOR ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT BUILDING SECURITY FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE, AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.

BE IT ORDAINED BY THE CITY OF COMMERCE, TEXAS:

WHEREAS, the 74th Legislature of the State of Texas, meeting in Regular Session, passed Senate Bill 349, which inter alia, amended Article 102.017 of the Codes of Criminal Procedure to provide for (i); the establishment of a Municipal Court Building Security Fund and (ii) the assessment and collection of a Municipal Court Building Security Fee; and,

WHEREAS, Governor George W. Bush approved senate Bill 349 after passage thereof; and,

WHEREAS, Senate Bill 349 took effect on or about September 1, 1995; and

WHEREAS, on April 17, 2001 the City Council of the city of Commerce, Texas, held a public meeting on the establishment of a "Municipal Court Building Security Fund" and the imposition of a Municipal Court Building Security Fee as set forth in Article 102.017, as amended, of the Code of Criminal Procedure;

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

SECTION 1. the Code of Ordinance of the city of Commerce, Texas be, and are hereby amended to read as follows:

A. Municipal Court Building Security Fund

1. There is hereby created and established a Municipal Court Building Security Fund (the "Fund") pursuant to Article 102.017 of the Code of Criminal Procedure.
2. The Municipal Court of the City of Commerce, Texas (the "Municipal Court") is hereby authorized and required to assess a Municipal Court Building Security Fee (the "Fee") in the amount of \$3.00 against all defendants convicted in a trial of a misdemeanor offense by the Municipal Court. Each misdemeanor conviction shall be subject to a separate assessment of the fee.
3. The Municipal Court Clerk is hereby authorized and required to collect the Fee and to pay same to the treasury of the City of Commerce, Texas. All Fees so collected and paid over to the treasury of the City of Commerce, Texas, shall be segregated in the Fund.
4. The Fund shall be used only for the purpose of financing the purchase of security devices and/or services for the building or buildings housing the Municipal Court of the City of Commerce, Texas. "Security devices and/or services" shall include any and all items described in Article 102.017(d) of the Code of Criminal Procedure.

5. The Fund shall be administered by or under the direction of the City Council of the City of Commerce, Texas.

SECTION 2. If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid (for any reason unenforceable), the validity of the remaining portions of this ordinance or the application to such other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Commerce, 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 other portion or provision.

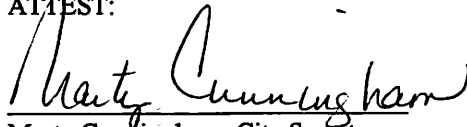
SECTION 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

SECTION 4. This ordinance shall be published and become effective in accordance with State Law.

PASSED BY THE GOVERNING BODY of the City Council of the City of Commerce, Texas, on the FIRST READING this the 17th day of April 2001.

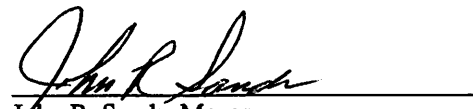
PASSED BY THE GOVERNING BODY of the City Council of the City of Commerce, Texas, on the SECOND READING this the 1st day of May 2001.

ATTEST:


Marty Cunningham, City Secretary

(seal)

CITY OF COMMERCE, TEXAS


John R. Sands, Mayor

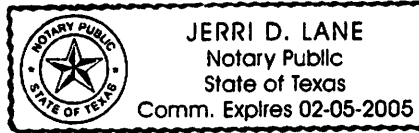
I, Marty Cunningham, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an Ordinance, and that the same has not been repealed and is in full force and effect.

(seal)


Marty Cunningham, City Secretary
City of Commerce, Texas

Sworn to and subscribed before me, on this the 1st day of May,
2001, to certify which witness my hand and seal of office.

(Seal)



Jerri D. Lane
Notary Public, State of Texas