

City of Caney City
Ordinance No. 2013-03
Municipal Court Building Security Fund

An Ordinance 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 hereof.

NOW THEREFORE:



Be it ordained by the City Council of the City of Caney City of Henderson County, Texas:

Section 1: Establishment of Municipal Court Building Security Fund.

A. 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.

B. The Municipal Court of the City of Caney City of Henderson County, 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 of a misdemeanor offense by the Municipal Court. Each misdemeanor conviction shall be subject to a separate assessment of the Fee. The Fee may only be assessed and collected on offenses occurring on or after August 28, 1995. The Fee may not be assessed or collected retroactively if the Fund is established at a date later than August 28, 1995.

C. A person is considered to have been convicted in a case 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.

D. The Fee shall be collected on convictions for offenses committed on or after this Ordinance is adopted.

E. The Municipal Court Clerk is hereby authorized and required to collect the Fee and to pay same to the treasury of the City of Caney City of Henderson County, Texas. All fees so collected and paid over to the treasury of the City of Caney City of Henderson County, Texas, shall be segregated in separate accounts identifiable and traceable to the Building Security Fund.

F. 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 Caney City, Texas. "Security devices and/or services" shall include any and all items described in Article 102.017(d-1) of the Code of Criminal Procedure.

G. The Fund shall be administered by or under the direction of the City Council of the City of Caney City of Henderson County, 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 Caney City of Henderson County, Texas, in adopting this Ordinance, that no portion thereof or

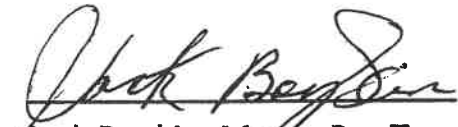
provision contained herein shall become inoperative or fail by any reason unconstitutionality or invalidity of any other portion or provision.

Section 3: All Ordinances and 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, APPROVED, AND ADOPTED ON THIS 10 **day of**
October, **2013.**


APPROVED:



Jack Boykin, Mayor Pro Tem
City of Caney City



ATTEST:



Jamey Locke, City Secretary
City of Caney City