

ORDINANCE NO. 2019-6

AN ORDINANCE OF THE CITY OF JAMAICA BEACH, TEXAS, AMENDING ORDINANCE 2002-1 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; AS AMENDED, TO REPEAL THE EXPIRATION DATE.

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

WHEREAS, House Bill 1066 repealed the provision that would have terminated such funds on September 1, 2005. The effective date of the bill was September 1, 2003.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JAMAICA BEACH, 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) a sentence is imposed on the person;
 - (2) the person is placed on community supervision, including deferred adjudication community supervision; or
 - (3) the court defers final disposition of the person's case.
- C. The fee shall be collected on conviction for an offense committed on or after June 1, 2002.
- D. The clerk of the court shall collect the fee and deposit it 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 technology enhancements for the Municipal Court of Village of Jamaica Beach, 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 City Council of the Village of Jamaica Beach, Texas.

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 City Council of the Village of Jamaica Beach, 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.

SECTION 7. ~~Expiration and~~ Administration of Fund

~~In accordance with Article 102.0172 of the Code of Criminal Procedure, this ordinance and the assessment and collection of the Municipal Court Technology Fee expires September 1, 2005.~~ 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 AND APPROVED this the 16th day of September, 2019.

CITY OF JAMAICA BEACH, TEXAS:



STEVE SPICER, MAYOR

ATTEST:



LUPE RUSHING, CITY SECRETARY