

**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.**

**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 Code 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;

**WHEREAS**, Governor George W. Bush approved Senate Bill 349 after passage thereof;

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

**WHEREAS**, on September 14th, 1995, the City Council of the City of Wallis Texas, called for public hearings 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 WALLIS, TEXAS:**

**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 Wallis, 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 Wallis, Texas. All Fees so collected and paid over to the treasury of the City of Wallis, 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 Wallis, 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 Wallis, Texas.

**SECTION 1:** 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 Wallis, 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 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.

**READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING** by City Council of Wallis at a regular meeting on the 9th day of January 1996, at which a quorum was present and for which due notice was given pursuant to Article 6252-17, V.A.T.S.

**READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING** by the City Council of Wallis, at a regular meeting on the 13th day of February, 1996, at which a quorum was present and for which due notice was given pursuant to Article 6252-17, V.A.T.S.

**APPROVED** on the 13th day of February, 1996.

Tony I. Salazar, Jr.  
Tony I. Salazar, Jr., Mayor

Attest:

Barbara Grigar  
Barbara Grigar, City Secretary