

**ORDINANCE 140-99**

**REPLACED BY**

**ORDINANCE 140A**

**ON**

**JANUARY 20, 2010**

**ORDINANCE NO. 140-99**

**AN ORDINANCE OF THE CITY OF WALLIS, TEXAS, 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.**

**Whereas**, Article 102.0172 of Code of Criminal Procedure provides for the establishment of a Municipal Court Technology Fund.

**Be it Ordained by the City Council of the City of Wallis, 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 (\$4).
- 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 September 1, 1999 (or for convictions on offenses committed on or after ordinance is adopted).
- D. The clerk of the court shall collect the fee and pay the fee to the municipal treasurer or (other official who discharges or performs the duties of the treasurer) of the City of Wallis, who shall deposit the fee into the Municipal Court Technology Fund.

**Section 3. Designated Use of the Fund and Administration**

- A. The Fund shall be used only to finance the purchase of technological enhancements for the Municipal Court of the City of Wallis, Texas, including:
  - (1) computer systems;
  - (2) computer networks;
  - (3) computer hardware;
  - (4) computer software;
  - (5) imaging systems;
  - (6) electronic kiosks;
  - (7) electronic ticket writers; or
  - (8) docket management systems.

B. The Fund shall be administered by or under the direction of the City Council of the City of Wallis.

**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 of circumstance 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 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 portion or provision.

**Section 5. 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 6. Publishing and Effective Date**

This ordinance shall be published in accordance with the requirement of publishing all ordinance and becomes effective in accordance with state law upon passage, but no earlier than September 1, 1999.

**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, Approved and Adopted on this the 14th day of October, 1999.**

**City of Wallis, Texas**

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

**Attest:**

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**City Secretary**