

**CITY OF BRECKENRIDGE, TEXAS
ORDINANCE 21-14**

AN ORDINANCE OF THE CITY OF BRECKENRIDGE ADOPTING AN ORDINANCE TO ESTABLISH A MUNICIPAL COURT TECHNOLOGY FUND PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT TECHNOLOGY FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the proposed update of the Ordinance as outlined herein have been discussed and considered by the City Commission of the City of Breckenridge, Texas and it has hereby been determined that it is in the best interest to the health, welfare and safety of the citizens of Breckenridge that said fees be updated and amended as herein described; and

WHEREAS, Article 102.017(b) of the Code of Criminal Procedure provides that a defendant convicted for a misdemeanor offense in a municipal court may be required to pay a \$4.00 technology fee as a cost of court.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS:

SECTION 1. That the Code of Ordinance is hereby amended by adding:

" MUNICIPAL COURT TECHNOLOGY FUND

Pursuant to Article 102.0172 of the Code of Criminal Procedure, a municipal court technology fund is hereby created.

Assessment and collection of fee; authorized uses;

(a) The municipal court clerk of the town and/or his/her designee shall collect a court technology fee as set forth in the fee schedule in appendix A of this code from each and every defendant convicted of a misdemeanor offense. A fee shall be collected for each and every separate and distinct offense for which a defendant is convicted. Article 102.0172 [of the Code of Criminal Procedure] states that a person is considered convicted if:

- (1) A fine 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.

(b) The fee shall be collected on conviction for an offense committed on or after the

effective date of this ordinance. The municipal court clerk of the town and/or his/her designee shall collect the costs and pay the funds to the municipal treasurer, or to any other official who discharges the duties commonly delegated to the municipal treasurer, for deposit into a fund to be known as the municipal court technology fund.

(c)The municipal court technology fund may be used only to finance the purchase of technological enhancements for a municipal court as authorized in Article 102.0172 (b).

(d)The Fund shall be administered by or under the direction of the city commission.

SECTION 2. That all provisions of the ordinances of the City of Breckenridge in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Breckenridge not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 4. An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 5. This Ordinance shall take effect on January 1, 2022, and after its passage and the publication of the caption, as the law in such cases provide.

AND IT IS SO ORDAINED.

Passed and approved this the 7th day of December, 2021.

APPROVED

Bob Sims, Mayor

ATTEST:

Pam Wright, Assistant City Secretary