

**TOWN OF ARGYLE, TEXAS
ORDINANCE 2019-14**

AN ORDINANCE OF THE TOWN OF ARGYLE AMENDING ORDINANCE 1995-14 MUNICIPAL COURT SECURITY FUND AND ESTABLISHING ARTICLE 7.03 MUNICIPAL COURT SECURITY FUND; PROVIDING FOR SEVERABILITY; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE TOWN OF ARGYLE AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Town Council of the Town of Argyle has previously established a Municipal Court Building Security Fund through the adoption of Ordinance 1995-14 for the purpose of assessing fees to all defendants convicted for a misdemeanor offense in the Municipal Court to finance approved items and uses to provide security services for any buildings housing the Municipal Court of the Town of Argyle; and

WHEREAS, Article 102.017(b) of the Code of Criminal Procedure provides that a defendant convicted in a trial for a misdemeanor offense in a municipal court may be required to pay a \$3.00 security fee as a cost of court.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS:

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

"ARTICLE 7.03 MUNICIPAL COURT SECURITY FUND

Section 7.03.001. Established

Pursuant to Article 102.017 of the Code of Criminal Procedure, a municipal court security fund is hereby created.

Section 7.03.002. Assessment and collection of fee; authorized uses; administration

- (a) The Municipal Court Clerk for the Town of Argyle shall collect a security fee from each and every defendant convicted of a misdemeanor offense in the Town of Argyle's Municipal Court. A fee shall be collected for each and every separate and distinct offense for which a defendant is convicted; Article 102.017 of the Code of Criminal Procedure states that a person 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.
- (b) The municipal court clerk of the town and/or their 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 in to a fund to be known as the municipal court security fund.
- (c) The municipal court security fund may be used only to finance the purchase of items used for the purpose of providing security personnel, services and items related to the building that houses the operations of the municipal court as specified in V.T.C.A., Code of Criminal Procedure, Article 102.017.
- (d) The municipal court security fund shall be administered by or under the direction of the Town Council."

SECTION 2. That all provisions of the ordinances of the Town of Argyle in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the Town of Argyle 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 June 26, 2019 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 25th day of June, 2019.

APPROVED:

Donald Moser, Mayor

ATTEST:

APPROVED AS TO FORM:

Erika McComis, Town Secretary

Robert Hager, Town Attorney