

## ORDINANCE NO. 94

### AN ORDINANCE OF THE TOWN OF INDIAN LAKE SETTING SECURITY, TECHNOLOGY, AND TRAVEL FUND MUNICIPAL COURT FEES TO BENEFIT THE MUNICIPAL COURT OF INDIAN LAKE.

**WHEREAS**, the Town of Indian Lake Municipal Court is in need of additional funds to help support its security, technology, and travel.

**WHEREAS**, through its Legislature, the State of Texas has determined that the Municipal Courts of the State of Texas may set up additional fees following the guidelines provided in Art. 102.017. COURT COSTS; COURTHOUSE SECURITY FUND; MUNICIPAL COURT BUILDING SECURITY FUND; JUSTICE COURT BUILDING SECURITY FUND, Art. 102.0172. COURT COSTS; MUNICIPAL COURT TECHNOLOGY FUND, and Art. 102.011 (b) TRAVEL COSTS TO CONVEY PRISONER OR EXECUTE PROCESS.

**NOW, THEREFORE, BE IT ORDINANED BY THE TOWN OF COUNCIL OF THE TOWN OF INDIAN LAKE ESTABLISHING A SECURITY, TECHNOLOGY, AND TRAVEL FUND FOR THE TOWN OF INDIAN LAKE MUNICIPAL COURT ACCORDING TO THE RULES SET FORTH BY THE STATE LISTED BELOW:**

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#### **Art. 102.017. COURT COSTS; COURTHOUSE SECURITY FUND; MUNICIPAL COURT BUILDING SECURITY FUND; JUSTICE COURT BUILDING SECURITY FUND.**

- (a) A defendant convicted of a felony offense in a district court shall pay a \$5 security fee as a cost of court.
- (b) A defendant convicted of a misdemeanor offense in a county court, county court at law, or district court shall pay a \$3 security fee as a cost of court. A defendant convicted of a misdemeanor offense in a justice court shall pay a \$4 security fee as a cost of court. The governing body of a municipality by ordinance may create a municipal court building security fund and may require a defendant convicted of a misdemeanor offense in a municipal court to pay a \$3 security fee as a cost of court.
- (c) In this article, a person is considered convicted if:
  - (1) a sentence is imposed on the person;
  - (2) the person receives community supervision, including deferred adjudication; or
  - (3) the court defers final disposition of the person's case.
- (d) Except as provided by Subsection (d-2), the clerks of the respective courts shall collect the costs and pay them to the county or municipal treasurer, as appropriate, or to any other official who discharges the duties commonly delegated to the county or municipal treasurer, as appropriate, for deposit in a fund to be known as the courthouse security fund or a fund to be known as the municipal court building security fund, as appropriate. Money deposited in a courthouse security fund may be used only for security personnel, services, and items related to buildings that house the operations of district, county, or justice courts, and money deposited in a municipal court building security fund may be used only for security personnel, services, and items related to buildings that house the operations of municipal courts. For purposes of this subsection, operations of a district, county, or justice court include the activities of associate judges, masters, magistrates, referees, hearing officers, criminal law magistrate court judges, and masters in chancery appointed under:
  - (1) Section 61.311, Alcoholic Beverage Code;
  - (2) Section 51.04(g) or Chapter 201, Family Code;
  - (3) Section 574.0085, Health and Safety Code;

(4) Section 33.71, Tax Code;

(5) Chapter 54A, Government Code; or

(6) Rule 171, Texas Rules of Civil Procedure.

(d-1) For purposes of this article, the term "security personnel, services, and items" includes:

(1) the purchase or repair of X-ray machines and conveying systems;

(2) handheld metal detectors;

(3) walkthrough metal detectors;

(4) identification cards and systems;

(5) electronic locking and surveillance equipment;

(6) video conferencing systems;

(7) bailiffs, deputy sheriffs, deputy constables, or contract security personnel during times when they are providing appropriate security services;

(8) signage;

(9) confiscated weapon inventory and tracking systems;

(10) locks, chains, alarms, or similar security devices;

(11) the purchase or repair of bullet-proof glass;

(12) continuing education on security issues for court personnel and security personnel; and

(13) warrant officers and related equipment.

(d-2)(1) This subsection applies only to a justice court located in a county in which one or more justice courts are located in a building that is not the county courthouse.

(2) The county treasurer shall deposit one-fourth of the cost of court collected under Subsection (b) in a justice court described by Subdivision (1) into a fund to be known as the justice court building security fund. A fund designated by this subsection may be used only for the purpose of providing security personnel, services, and items for a justice court located in a building that is not the county courthouse.

(e) The courthouse security fund and the justice court building security fund shall be administered by or under the direction of the commissioners court. The municipal court building fund shall be administered by or under the direction of the governing body of the municipality.

(f) A local administrative judge shall provide to the Office of Court Administration of the Texas Judicial System a written report regarding any security incident involving court security that occurs in or around a building housing a court for which the judge serves as local administrative judge not later than the third business day after the date the incident occurred.

#### **Art. 102.0172. COURT COSTS; MUNICIPAL COURT TECHNOLOGY FUND.**

(a) The governing body of a municipality by ordinance may create a municipal court technology fund and may require a defendant convicted of a misdemeanor offense in a municipal court or municipal court of record to pay a

technology fee not to exceed \$4 as a cost of court.

(b) In this article, 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.

(c) The municipal court clerk 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 a fund to be known as the municipal court technology fund.

(d) A fund designated by this article may be used only to finance the purchase of or to maintain technological enhancements for a municipal court or municipal court of record, including:

- (1) computer systems;
- (2) computer networks;
- (3) computer hardware;
- (4) computer software;
- (5) imaging systems;
- (6) electronic kiosks;
- (7) electronic ticket writers; and
- (8) docket management systems.

(e) The municipal court technology fund shall be administered by or under the direction of the governing body of the municipality.

(f) Repealed by Acts 2003, 78th Leg., ch. 502, Sec. 2, eff. Sept. 1, 2003.

**Article 102.011(b), C.C.P., TRAVEL FUND TO CONVEY PRISONER OR EXECUTE PROCESS.**

Article 102.011(b), C.C.P., requires defendants convicted of a misdemeanor or felony to pay all necessary and reasonable expenses for travel, meals and lodging incurred by peace officers when performing the following services:

- conveying a prisoner after conviction to the county jail;
- conveying a prisoner arrested on a warrant or capias issued in another county to the court or jail of the county; or
- traveling to execute criminal process, summon or attach a witness, or execute process not otherwise described by Article 102.011, C.C.P.