

ORDINANCES - CITY OF GRAPELAND
Ordinance Number: 990901

AN ORDINANCE OF THE CITY OF GRAPELAND, HOUSTON COUNTY, TEXAS, ESTABLISHING A MUNICIPAL COURT BUILDING SECURITY FUND [MCBS]; PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT BUILDING SECURITY FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, Article 102.017 of the Texas Code of Criminal Procedure provides for the establishment of a Municipal Court Building Fund.

Be it Ordained by the City Council of Grapeland, Houston County, Texas:

SECTION 1: Establishment of MUNICIPAL COURT BUILDING SECURITY FUND.

- A. There is hereby created and established a *MUNICIPAL COURT BUILDING SECURITY FUND*, here-in-now known as the Fund (or MCBS), pursuant to Article 102.017 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 three dollars (\$3.00).
- 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 the date of adoption of this ordinance.
- D. The clerk of the Municipal Court shall collect the fee and pay the fee to the Municipal Treasurer, or to any other official who discharges the duties commonly delegated to the Municipal Treasurer, who shall deposit the fee into a fund to be known as the *MUNICIPAL COURT BUILDING SECURITY FUND [MCBS]*.

SECTION 3: Designated use of the Fund and Administration

- A. The Fund shall be used only to finance items used for the purpose of providing security services for buildings housing the Municipal Court, as appropriate, including:
 - (1) the purchase or repair of X-ray machines and conveying systems;
 - (2) handheld metal detectors;
 - (3) walk-through metal detectors;
 - (4) identification cards and systems;
 - (5) electronic locking and surveillance equipment;
 - (6) bailiffs, deputy constables, deputy sheriffs, or contract security personnel during times when they are providing appropriate security services;
 - (7) signage;
 - (8) confiscated weapon inventory and tracking systems;
 - (9) locks, chains, alarms, or similar security devices;
 - (10) the purchase or repair of bullet-proof glass; and,
 - (11) continuing education on security issues of court personnel and security personnel.
- B. The *FUND [MCBS]* shall be administered by or under the direction of the of the City Council of Grapeland.

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Section 4: Severability

If any provision, section, subsection, sentence, clause or phase of this ordinance, or the application of same to any person or set of circumstances 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 Grapeland, Houston County, Texas in adopting the 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 ordinance in conflict with the 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 ordinances and becomes effective in accordance with state law upon passage, but no earlier than February 9, 2021.

Section 7: Repeal and Administration of Fund


In accordance with ARTICLE 102.017, TEXAS CODE OF CRIMINAL PROCEDURE, in the event of the repeal of this ordinance by the City Council or the City of Grapeland, the purpose of the use of any funds remaining in the Fund shall continue to be used and administered as required by the ordinance and for the purpose this ordinance shall remain in effect.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Council of the City of Grapeland, Houston County, Texas, on the 9th day of February, 2021.



Mitchell Woody, Mayor

I HEREBY CERTIFY AND ATTEST that Ordinance 990901 was adopted by the Council of the City of Grapeland on the 9th day of February, 2021.


Gabrielle Smith, City Secretary