

**CITY OF DYER, ARKANSAS**

**ORDINANCE NO. 2013-7-23-01**

AN ORDINANCE AUTHORIZING THE LEVY OF AN ADDITIONAL TWENTY DOLLAR (\$20.00) FINE TO HELP DEFRAY THE EXPENSE OF INCARCERATING PRISONERS PURSUANT TO ARK. CODE ANN. § 16-17-129 AND ACT 1365 OF 2013; AND FOR OTHER PURPOSES.

WHEREAS, the Arkansas General Assembly has now passed Act 1365 of 2013, which clarifies the existing statutory scheme that previously authorized the City, by Ordinance, to levy an additional Twenty Dollar (\$20.00) fine to help defray the expense of incarcerating prisoners;

WHEREAS, Act 1365 of 2013 specifically allows collection of the Twenty Dollar (\$20.00) jail fine for Cities that have a police department and contribute to the expenses of a district court;

WHEREAS, the Arkansas Administrative Office of the Courts has requested clarification of the City's ordinance in order to specifically include the language of Act 1365 of 2013 for its software implementation program; and

WHEREAS, it is in the best interests and welfare of the citizens of Dyer, Arkansas to continue collecting the additional fine of Twenty Dollars (\$20.00) to be levied and collected upon each conviction, plea of guilty or nolo contendere or each bond forfeiture in all cases of misdemeanors and traffic violations in the Dyer Division of the Crawford County District Court or other court acting on behalf of Dyer.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF DYER, ARKANSAS:

SECTION 1: The City of Dyer currently having a police department and contributing to the expenses of a district court under Ark. Code Ann. § 16-17-1203 is duly permitted pursuant to Act 1365 of 2013 to collect the additional levy permitted under Ark. Code Ann. § 16-17-129.

SECTION 2: Under authority of Ark. Code Ann. § 16-17-129, there is hereby levied and shall be collected an additional fine in the amount of Twenty Dollars (\$20.00) from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture for any misdemeanor or traffic violation in the Dyer Division of the Crawford County District Court or other court acting on behalf of Dyer.

SECTION 3: The additional fine levied in Section 2 hereinabove shall apply to all applicable cases brought before the district court to which the City of Dyer contributes pursuant to the Ark. Code Ann. § 16-17-1203 that now exists, or may hereafter be operated and placed into operation, within or on behalf of the City of Dyer, Arkansas.

SECTION 4: All additional fines levied and collected under the provisions of this Ordinance shall be sent to the City Treasury with identification of the sum representing revenues from the cases of any misdemeanor or traffic violation in the courts acting on behalf of Dyer and deposited into a special fund within the City Treasury to be used for construction and maintenance of the city jail and payments to other entities for incarcerating city prisoners or as otherwise permitted under Ark. Code Ann. § 16-17-129.

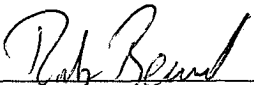
SECTION 5: All Ordinances or parts of Ordinances found to be in conflict herewith are hereby repealed.

SECTION 6: In the event that any portion of this ordinance is deemed illegal, invalid, or otherwise unenforceable by any court of competent jurisdiction said portion shall be struck from the ordinance and the remainder of the ordinance shall remain in full force and effect.

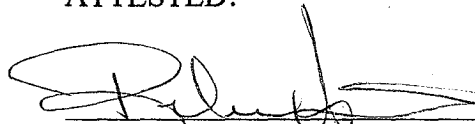
SECTION 7: The adoption of this Ordinance is necessary for the proper and efficient administration of the Dyer Division of Crawford District Court acting on behalf of the City of Dyer, Arkansas, for the payment of costs associated with incarcerating prisoners of the Dyer Police Department, and for the preservation of the health, safety and welfare of the residents of Dyer, Arkansas; therefore an emergency is declared to exist and this ordinance shall take effect, and be in full force and effect, immediately upon its passage, approval, and publication as required by law.

PASSED AND APPROVED THIS 23<sup>rd</sup> DAY OF JULY 2013.

APPROVED:

  
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MAYOR

ATTESTED:

  
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RECORDER/TREASURER