

ORDINANCE NUMBER 2006-01

SHORT TITLE: AN ORDINANCE LEVYING AN ADDITIONAL FINE OF FIVE DOLLARS (\$5.00) TO HELP DEFRAY THE COSTS OF INCARCERATING INMATES IN THE PERRY COUNTY JAIL, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the levying of an additional fine to defray costs of incarcerating prisoners in city or county jails or in detention centers is authorized by Arkansas Code 16-17-129,

NOW THEREFORE BE IT ORDAINED by the City Council of the city of Perryville, Arkansas, as follows:

SECTION 1 – Additional Fine

- (A) In addition to all fines now or as may hereafter be provided by law, the Perryville City Court shall impose and collect an additional fine of five dollars (\$5.00) from each defendant who pleads guilty or nolo contendere to, is found guilty of, or forfeits bond for any misdemeanor or traffic violation in said Court.
- (B) The fine shall not be suspended.

SECTION 2 – Earmarked Use of Funds

- (A) Funds generated by the additional fines shall be used exclusively to help defray the operational costs of incarcerating prisoners in the Perry County jail, including the construction and maintenance of the county jail and payments to other entities for incarcerating such prisoners.

SECTION 3 – Collection and Transmittal

- (A) The City Court shall immediately begin levying and collecting the fine prescribed herein.
- (B) Collected revenues shall be remitted on a monthly basis to the Perry County Treasurer for deposit in the account appropriate for the specific uses detailed in Section 2- (A) above.

SECTION 4 – Conditions of Applicability

- (A) The paramount consideration factor and unequivocal foundation of Section 3-(B) above is the current practice that Perry County does not charge the City of Perryville for housing city prisoners.
- (B) In the event of a change in this practice, all revenues derived from the additional fine shall be retained by the City to help defray incarceration costs required by the county jail or alternate entities for incarcerating prisoners.
- (C) The revenues generated by the additional fine are strictly supplemental and shall not be used to offset or reduce previous or future commitments of funding from other sources for the incarceration of prisoners.

SECTION 5 - Severability

- (A) If for any reason any portion of this Ordinance be held invalid, such invalidity shall in no way affect the remaining portions hereof which are valid, but such valid portions shall be and remain in full force and effect.

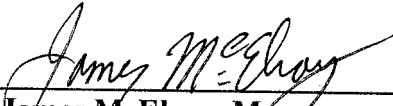
SECTION 6 - Emergency Declared

(A.) Cognizant of existing situations potentially threatening to the public peace, health and safety, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its adoption and publication.

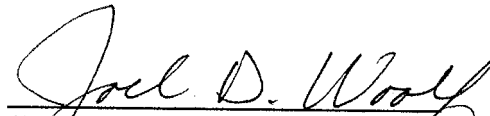
PASSED ON THIS 12TH DAY OF JANUARY IN THE YEAR OF 2006

BY A VOTE OF: 4 YES 0 NO

Signed:


James McElroy, Mayor

Attest:


Joel Woolf, Recorder/Treasurer