

ORDINANCE NO. 2018-20

**AN ORDINANCE LEVYING A FINE NOT TO EXCEED TWENTY DOLLARS ON EACH CONVICTION, EACH PLEA OF GUILTY OR NOLO CONTENDERE OR EACH BOND FORFEITURE IN ALL NONTRAFFIC MISDEMEANORS OR VIOLATIONS OF CITY ORDINANCES OR STATE LAW OR TRAFFIC OFFENSES WHICH ARE MISDEMEANORS OR VIOLATIONS UNDER STATE LAW OR CITY ORDINANCES WHICH ARE COMMITTED WITHIN THE CORPORATE LIMITS OF JOHNSON; DECLARING AN EMERGENCY TO EXIST; AND FOR OTHER PURPOSES**

**WHEREAS**, ACA §16-17-129 provides that each city in which a district court is located may levy and collect an additional fine not to exceed \$20.00 from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture in all nontraffic misdemeanors or violations of city ordinances or state law or traffic offenses which are misdemeanors or violations under state law or city ordinances which are committed within the corporate limits;

**WHEREAS**, ACA §16-17-129 further provides that the additional fine shall be paid into the City treasury to be deposited into a fund to be used exclusively to help defray the cost of incarcerating city prisoners, including the construction and maintenance of a city jail, and payments to other entities for incarcerating city prisoners;

**WHEREAS**, the Justices of the Peace for Washington County are considering and in December 2018, are likely to vote on a County Ordinance to charge Johnson a per day charge for each prisoner housed in the Washington County Detention Center with an effective date of such County Ordinance being January 1, 2019; and,

**WHEREAS**, in order to have funds available to promptly pay those charges when the first statement from Washington County is received without using funds for vital municipal operations or services the City Council desires to take a proactive step.

**BE IT THEREFORE ORDAINED BY THE CITY COUNCIL OF JOHNSON, ARKANSAS, That:**

**Section 1:** That there is hereby levied an additional fine, not to exceed Twenty Dollars for each conviction, each plea of guilty or nolo contendere or each bond forfeiture in all nontraffic misdemeanors or violations of city ordinances or state law or traffic offenses which are misdemeanors or violations under state law or city ordinances which are committed within the corporate limits of Johnson.

**Section 2:** Provided that Section 1 above shall only apply where the arresting officer is a Johnson officer, a Department of Arkansas State Police officer or other certified law enforcement officer of the State.

**Section 3:** The Court Clerk of the Washington County District Court, Johnson Department, from and after the first day of January, 2019, shall collect from each defendant a fine not to exceed Twenty Dollars on each conviction, each plea of guilty or nolo contendere or each bond forfeiture in all nontraffic misdemeanors or violations of city ordinances or state law or traffic offenses which are misdemeanors or violations under state law or city ordinances which are committed within the corporate limits of Johnson, subject to Section 2 above.

**Section 4:** That all funds collected pursuant to Sections 1, 2 and 3 hereof shall be paid into the City treasury to be deposited into a fund to be used exclusively to help defray the cost of incarcerating city prisoners, including the construction and maintenance of a city jail, and payments to other entities for incarcerating city prisoners and shall be used solely for such

purposes; payments from such fund shall be made periodically to Washington County as billed by the County.

**Section 5:** In order to avoid over/under collecting such additional fines the additional fine is hereby determined to be Five Dollars (\$5.00), effective January 1, 2019, which shall be the fine levied hereby for the period January 1, 2019 until the amount is changed as hereinafter provided.

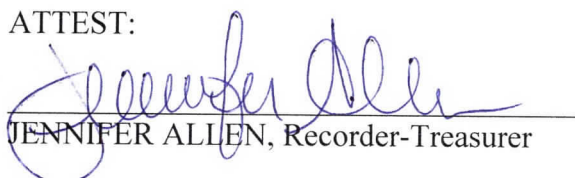
**Section 6:** During May and November of 2019 and each succeeding year the Johnson Department Court Clerk, the Chief of Police and the Recorder-Treasurer shall review the statements received from Washington County for housing City prisoners and the sums collected pursuant hereto and shall, at the Council meeting in June and December of each such year, recommend to the Council a change in the amount of such additional fine or recommend to keep such additional find the same so as to not collect surplus or inadequate fines hereby. Future adjustments of the additional fine set by this Ordinance shall be by Resolution of the City Council specifically referring to this Section of Ordinance No. 2018- 20.

**Section 7:** In order to provide adequate funds to pay for the housing of City prisoners without taking funds from critical City services, an emergency is hereby declared to exist in order to protect the health, safety and welfare of our citizens and residents and this ordinance shall be effective immediately upon passage and approval.

**PASSED AND APPROVED** this 11<sup>th</sup> day of December, 2018.

  
CHRIS KEENEY, Mayor

ATTEST:

  
JENNIFER ALLEN, Recorder-Treasurer