

ORDINANCE NO. 279

AN ORDINANCE IMPOSING AN ADDITIONAL FINE ON MISDEMEANORS AND TRAFFIC VIOLATIONS; AND COMMITTING THE INCOME TO PAYMENT OF PRISONER INCARCERATION COSTS; AND FOR OTHER PURPOSES.

WHEREAS, Arkansas Code Annotated §16-17-129 authorizes cities to enact an additional fine on misdemeanors and traffic violations, provided that the income there from is used to defray incarceration expenses; and

WHEREAS, the City of Bethel Heights has experienced an increase in the necessary expense of incarcerating prisoners and this cost must be defrayed to the fullest extent possible, and as soon as possible, considering the current state of the economy, as permitted by state law;

NOW, THEREFORE, be it ordained by the City Council of the City of Bethel Heights, Arkansas:

That the Bethel Heights Municipal Code is hereby amended to be added, the following; Section 2.40.06 Additional Fine on Misdemeanors and Traffic Violations to Chapter 2.40 which said section reads as follows;

Section 1. In addition to any fine imposed by the Court, pursuant to the laws of the State of Arkansas, for traffic violations or misdemeanors, a Five Dollar (\$5.00) fine is hereby levied immediately and shall be collected from each defendant who pleads guilty or *nolo contendere* to, is found guilty of, or forfeits bond for, including each misdemeanor or traffic violation in the Benton County District Court – Bethel Heights Division.

Section 2. The funds generated by the fine levied hereunder shall be used exclusively to defray the City's cost of incarcerating prisoners, including the construction and maintenance of a city jail and payments to other entities for incarcerating prisoners

Section 3. The additional fine authorized by this Ordinance shall apply to each charge, count, violation, or offence to which a defendant pleads guilty, or *nolo contendere*, is found guilty of, or forfeits bond for, including each misdemeanor or traffic violation.

PASSED and APPROVED this 16th day of June, 2009.

APPROVED: _____

Fred Jack Mayor

ATTEST: _____

Janet Nelson Recorder/Treasurer

