



Ordinance

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

ORDINANCE NUMBER 308

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SANLUIS, ARIZONA, AMENDING SECTION 5-2-6 OF THE CITY CODE, MUNICIPAL COURT FEES, BY REPEALING SECTION 5-2-6(E), MUNICIPAL COURT ORDER OF PROTECTION/INJUNCTION AGAINST HARASSMENT COST RECOVERY FEE, AND REPLACING IT WITH SECTION 5-2-6(E), PROBATION FEES; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY

WHEREAS, in accordance to ARS 13-3624, no court in this state shall impose any fees related to the issuance or dismissal of orders of protection or injunctions against harassment; and

WHEREAS, the San Luis Municipal Court administers multiple programs and services; and

WHEREAS, the cost of administering such programs and services which benefit defendants is a substantial burden on this court; and

WHEREAS, in sentencing misdemeanors, the court has discretion to place defendants on probation; and

WHEREAS, A.R.S. § 22-404 (E) allows the Mayor and Council to set municipal court fees for court programs and services; and

WHEREAS, A.R.S. § 13-901 allows municipal courts to assess a monthly probation fees.

BE IT ORDAINED by Mayor and Council of the City of San Luis, Arizona as follows:

Section 1. That Section 5-2-6(E), Municipal Court Order of Protection / Injunction Against Harassment Cost Recovery Fee is hereby repealed.

Section 2. That Section 5-2-6(E) creating probation fees is hereby adopted and shall read as follows:

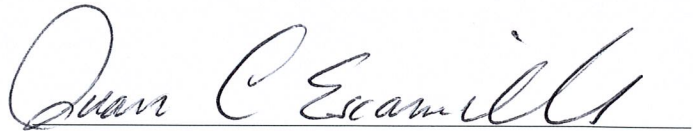
Section 5-2-6(E) PROBATION FEES

1. Any person accepting probation and ordered to be screened for probation qualification shall pay the cost of such screening to be conducted by a court compliance officer of this court; the fee shall be twenty-five dollars (\$25.00).
2. The San Luis Municipal Court shall assess each defendant placed on unsupervised probation a fee of ten-dollars (\$10.00) to be paid for each month that the defendant remains on probation. A twenty-dollar (\$20.00) completion verification fee shall be assessed at the successful completion of probation.
3. The San Luis Municipal Court shall assess each defendant placed on standard probation a monitoring fee of fifteen-dollars (\$15.00) to be paid for each month that the defendant remains on probation. Monitoring will include home and place of employment visits, breath tests (alcohol) and drug test. On drug tests the court will assess a five-dollar (\$5.00) fee. A twenty-dollar (\$20.00) completion verification fee shall be assessed at the successful completion of probation.
4. Any and all fees collected under this section shall be deposited into the San Luis Municipal Court's enhancement fund.

Section 3. In the event of a conflict between the provisions of the Ordinance and any other ordinance, resolution, regulation or policy of the City of San Luis, the conflicting provisions are hereby repealed, superseded and replaced, and the provisions of this ordinance shall govern.


Section 4. If any section, subsection, sentence, clause or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Mayor and City Council of the City of San Luis, Arizona this 28th day of September, 2011.



Juan Carlos Escamilla, Mayor

ATTEST:



Sonia Cuello, City Clerk



Glenn Gimbut, City Attorney