

Resolution #2013-02

WHEREAS, The State of Tennessee by way of Senate Bill No. 1764, which was signed into law by Governor Phil Bredesen on May 12, 2006, which establishes programs to assist victims of crime, their families and survivors, or to provide funding or additional funding for existing programs which are established to assist victims of crime.

**Be It Ordained** by the Council of the Town of Ashland City, Tennessee, that the Ashland City Council elects to fund a program as authorized by Tennessee Code Annotated 40-24-109.

WHEREAS, The 23<sup>rd</sup> Judicial District Child Advocacy Center, a duly established Center to assist children whom have been victims of child abuse and neglect and their families.

WHEREAS, The 23<sup>rd</sup> Judicial District Child Advocacy Center is an approved 501©3 Non-Profit Agency.

WHEREAS, In the past twelve (12) months the Child Advocacy Center has delivered services to 520 number of victims.

WHEREAS, The Ashland City Legislative body designates the program now established and known as the 23<sup>rd</sup> Judicial Child Advocacy Center pursuant to 40-24-101 et. Seq. is the appropriate Agency to receive said Court Cost Assessment.

WHEREAS, the Office of the Municipal Court Clerk will be responsible to collect a victim's assistance assessment in the sum of forty-five dollars (\$45.00) from any person who:

- (A) Enters a plea of guilty;
- (B) Is found guilty by a Judge or Jury;
- (C) Enters a plea of nolo contendere;
- (D) Enters a plea pursuant to any of the diversionary sentencing statutes to any criminal offense described in subsection (d).
- (E) Is found guilty, or enters a plea of guilty or nolo contendere to the offense of attempting or conspiring to commit any such offense; or
- (F) Is found to be criminally responsible as principal for the commission of any other such offense.
  - (d) Except as provided in section (e), the provisions of subsection (c) shall apply to any conduct made criminal by the laws of this State.
  - (e) This section shall not apply for:
    - (1) Crimes for which the law imposes as a maximum possible punishment as fine of less than five hundred dollars and no imprisonment.
    - (2) Violations of the motor vehicle laws except driving under the influence of an intoxicant as prohibited by 55-10-401, or

reckless driving as prohibited by 55-10-401, where the reckless driving was proximately caused by the use of an intoxicant.

- (f) Whether a person convicted of a crime is exempted from payment of the assessment imposed by this section shall be determined by the offense for which such person was convicted and the maximum possible sentence authorized by law for such offense rather than the sentence such person actually receives.

(1) The victim's assistance shall be subject to the provisions of 8-21-401 and shall be in addition to all other taxes, costs, and fines. The first three dollars (\$3.00) of each such assessment shall be paid to the clerk of the court imposing the assessment for processing and handling. The remaining forty-two dollars shall be transmitted to the county in which the offense occurred for the exclusive use of the victim's assistance program previously designated by the county legislative body.

(2) Upon transmittal to the victims program in such county, all funds collected pursuant to this section shall be used to defray the costs of providing the services to victims of crime designated by the programs mission statement and guidelines.

NOW, THEREFORE, BE IT RESOLVED, that the Clerk of the Municipal Court in the County of Cheatham having jurisdiction of the issuance of State misdemeanor and felony warrants, said Courts currently named in the following: Ashland City; shall collect a victims assistance assessment of forty-five dollars (\$45.00) pursuant to T.C.A. 40-24-109(c) from a person who:

- (A) Enters a plea of guilty;
- (B) Is found guilty by a Judge or Jury;
- (C) Enters a plea of nolo contendere;
- (D) Enters a plea pursuant to any of the diversionary sentencing statues to any criminal offense described in subsection (d).
- (E) Is found guilty, or enters a plea of guilty or nolo contendere to the offense of attempting or conspiring to commit any such offense; or
- (F) Is found to be criminally responsible as principal for the commission of any other such offense.

d. Except as provided in section (e), the provisions of subsection (c) shall apply to any conduct made criminal by the laws of this State.

e. This section shall not apply to:

1. Crimes for which the law imposes as a maximum possible punishment a fine of less than five hundred dollars (\$500.00) and no imprisonment; and

2. Violations of the motor vehicle laws except driving under the influence of an intoxicant as prohibited by 55-10-401, or reckless driving as prohibited by 55-10-205, where the reckless driving was proximately caused by the use of an intoxicant.

f. Whether a person convicted of a crime is exempted from payment of the assessment imposed by this section shall be determined by the offense for which such person was convicted and the maximum possible sentence authorized by law for such offense rather than the sentence such person actually receives.

1. The victim's assistance assessment shall be subject to the provisions of 8-21-401 and shall be in addition to all other taxes, costs, and fines. The first three dollars (\$3.00) of each such assessment shall be paid to the clerk of the court imposing the assessment for processing and handling. The remaining forty-two dollars shall be transmitted to the county in which the offense occurred for the exclusive use of the victim's assistance program previously designated by the county legislative body.
2. Upon transmittal to the victims program in such county, all funds collected pursuant to this section shall be used to defray the costs of providing the services to victims of crime designated by the programs mission statement and guidelines.

BE IT FURTHER RESOLVED, by the terms of this resolution and the designation of the 23<sup>rd</sup> Judicial Child Advocacy Center as the appropriate Agency to receive said victim assistance assessment, that an account be established in the Office of the Ashland City Mayor to accept said assessment and on a regular monthly term forward said collected funds to the 23<sup>rd</sup> Judicial District Child Advocacy Center. Said fund to be audited in the regular course of business by the Tennessee State Comptroller as other similar accounts are routinely monitored.

Duly passed and approved this the 12 day of March, 2013 and shall take effect after final passage of an ordinance..

Approved: \_\_\_\_\_

Rick Johnson, Mayor

Attested: \_\_\_\_\_

Phyllis Schaeffer, City Recorder