ORDINANCE NUMBER 05-04

AN ORDINANCE OF THE CITY OF MARICOPA, ARIZONA ADDING NEW SECTION 5-7-14 OF "THE CODE OF THE CITY OF MARICOPA, ARIZONA" TO PROVIDE FOR THE ASSESSMENT OF DEFERRED PROSECUTION AND PROBATION FEES FOR PERSONS CHARGED IN THE MARICOPA MUNICIPAL COURT

WHEREAS, the City Council for the City of Maricopa has determined that certain services provided by the Magistrate Court and the City involving criminal defendants placed on probation or entering into deferred prosecution agreements should be properly borne by the offenders who are accused and/or convicted of such events; and

WHEREAS, A.R.S. § 22-404(E) provides that cities and towns may impose such fees to recover the costs of services provided by it or its courts;

NOW, THEREFORE, be it ordained by the Mayor and the Council of the City of Maricopa, Arizona, as follows:

Section 1: Article 5 of the Maricopa City Code shall be amended by adding new Section 5-7-14 as follows:

Section 5-7-14 Deferred Prosecution and Probation Fee

In addition to other fees established in this Article, a Deferred Prosecution and Probation Fee shall be imposed on each criminal case for which the court defers prosecution of an offense or places an offender on probation for a criminal offense. The amount of the Deferred Prosecution and Probation Fee in each case, which shall be no less than $25 or more than $150, shall be determined by the Magistrate who will base this determination upon the level of administrative services expected to be provided by the Court or the City as a result of the deferred prosecution or period of probation.

Section 2: The provisions of this Ordinance shall become effective thirty days after the adoption of this Ordinance.

Section 3: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portion thereof.

Passed and Adopted by the Mayor and the City Council of the City of Maricopa this 15th day of February, 2005.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney