

RESOLUTION NO. 25-11-012

Sponsored by Commissioners Jared Anderson and Nick Bright

RESOLUTION TO AUTHORIZE A TWELVE DOLLAR AND FIFTY CENT CHARGE BY THE CLERK OF EVERY COURT IN BLOUNT COUNTY HAVING JURISDICTION OF STATE MISDEMEANORS AND FELONIES FOR THE PURPOSES AUTHORIZED AND SET OUT IN T.C.A. § 40-3-106

WHEREAS, as authorized by T.C.A. § 40-14-210, this county commission has previously approved and implemented a twelve dollar and fifty cent (\$12.50) cost to be added to the cost bill and be collected in all criminal proceedings for the benefit and use of the district public defender's office, and

WHEREAS, the Tennessee General Assembly has recently enacted similar legislation for the benefit of the District Attorney General, and

WHEREAS, upon adoption of an appropriate resolution by a county legislative body, T.C.A. § 40-3-106 makes it the duty of the clerk of every court in that county having jurisdiction of state misdemeanors and felonies to include in *every* misdemeanor and felony cost bill, a charge of twelve dollars and fifty cents (\$12.50) that must be remitted to the county government for the purpose of providing supplemental funding for the office of the district attorney general within that judicial district. Any unencumbered moneys and any unexpended balance of such funds remaining at the end of a fiscal year do not *revert* to the state general fund but must be carried forward for the purpose for which they were originally intended; and

WHEREAS, under T.C.A. § 40-3-106 the aforesaid clerks may only charge the twelve dollars and fifty cents (\$12.50) upon adoption of a resolution by a two-thirds (2/3) vote of the county legislative body of such county; and

WHEREAS, the county legislative body in Blount County, Tennessee finds that implementation and collection of the foregoing charge is in the best interests of the county.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Blount County, Tennessee, meeting in regular session on this ____ day of _____ 20_, that:

SECTION 1. The clerk of every court in Blount County having jurisdiction of state misdemeanors and felonies shall include in every misdemeanor and felony cost bill, a charge of twelve dollars and fifty cents (\$12.50) that must be remitted to the county government for the purpose of providing supplemental funding for the office of the district attorney general in this judicial district. Any unencumbered moneys and any unexpended balance of such funds remaining at the end

of a fiscal year do not revert to the state general fund but must be carried forward for the purpose for which they were originally intended;

SECTION 2. All costs collected by Blount County government pursuant to this Resolution must be used for providing support services for the purpose of promoting public safety at the sole discretion of the district attorney general for the 5th judicial district;

SECTION 3. Blount County may supplement the funds of the district attorney general system to promote public safety. The costs collected by Blount County under this Resolution are supplemental and in addition to any funds received under T.C.A. § 40-3-106 or under title 8, chapter 7 of the Tennessee Code Annotated, relative to district attorneys general;

SECTION 4. In every misdemeanor and felony prosecution in which restitution is ordered or the privilege tax for the criminal injuries compensation fund established by T.C.A. § 40-24-107 is also levied, the cost imposed by this Resolution does not have priority over collection of that restitution or privilege tax; and

SECTION 5. This Resolution shall take effect immediately upon its passage and approval, the public welfare requiring it.

ADOPTED this _____ day of _____, 20__ by a two-thirds (2/3) vote of the Blount County legislative body.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

County Mayor

Date

☐ Approved

☐ Vetoed