

The eCitation statute in Tennessee is an opt-in statute that requires local jurisdictions to pass an enabling (an "opt-in") ordinance in order to take advantage of the new state law. This model ordinance is for consideration by interested counties and municipalities in Tennessee.

ORDINANCE NO. 2017 - _____

**AN ORDINANCE IN THE COUNTY OF _____, TENNESSEE AMENDING THE CODE
ORDINANCES OF THE COUNTY OF _____ BY THE ADDITION OF
SECTION _____, ENTITLED "ADDITIONAL ASSESSMENT FOR
ELECTRONIC SUMMONS SYSTEM" TO PART _____, TITLE __, CHAPTER __
ENTITLED "_____"**

WHEREAS, the [Local Law Enforcement Agency] of _____ County (the "County") desires to implement [has recently implemented] an electronic citation system for traffic offenses filed in the courts located within the County's boundaries; and

WHEREAS, the _____ County Commission is authorized by Tennessee Code Annotated, Section 55-10-207(e)(4) to assess a specific additional "electronic traffic citation fee" (the "Fee") pursuant to Tennessee Code Annotated, Section 55-10-207(e)(1) (the "Costs") in addition to the court costs, fees, taxes and charges (the "Costs") assessed by the Clerk of Court in the case of each traffic citation ("Action") in courts located within the boundaries of the County which results in which the defendant pleading guilty or nolo contendere, or which results in a judgment of guilty; and

WHEREAS, the _____ County Commission desires to enact an ordinance that will authorize, pursuant to the authority provided by and set forth under Tennessee Code Annotated, Section 55-10-207(e)(4), the collection of a specific, additional Fee from each defendant to an Action, resulting in a conviction, in the amount of Five Dollars (\$5.00) as part of the Costs assessed by the Clerk of Court of any court located within the County; and

WHEREAS, the Fee will be collected by the Clerk of the Court in which the Action is filed, of which Four Dollars (\$4.00) shall be remitted monthly by the Clerk of Court to the law enforcement agency issuing the traffic citation; and

WHEREAS, the part of the Fee transmitted to the law enforcement agency issuing the citation shall be accounted for in a special revenue fund and disbursed only to fund electronic citation system and program related expenditures, and related expenditures by such law enforcement agency for technology, equipment, repairs, replacement and training to maintain electronic citation programs; and

WHEREAS, all funds derived from the Fee retained by the Clerk of Court shall be used exclusively for computer hardware purchases, usual and necessary computer related expenses, or replacement; such funds shall be preserved for those purposes and shall not revert to the general fund of the Clerk of Court at the end of a budget year if unexpended;

WHEREAS, the _____ County Commission finds that it is necessary, desirable, in the best interest of the County, and in the best interest of the public welfare to immediately enact this Ordinance.

NOW, THEREFORE, BE IT ENACTED by the Commission of _____ County, Tennessee as follows:

Section 1. The Commission of _____ County hereby incorporate the foregoing preamble clauses into this Ordinance and make the findings as hereinabove set forth.

Section 2. That the _____ County Code, Part _____, Title _____ Chapter _____, is hereby further amended by the addition of Section _____ - Assessment of Electronic Citation Fee, to read as follows:

Section _____. Assessment of Electronic Citation Fee

Pursuant to the authority granted by Tennessee Code Annotated, Section 55-10-207, there is hereby assessed against any person convicted of any traffic citation in any court within the County a fee of Five Dollars (\$5.00) for the exclusive purpose of implementing and maintaining an electronic citation system. The Clerk of the Court is authorized to collect such fee at the time of judgment as part of the costs assessed by the Clerk of the Court pursuant to Tennessee Code Annotated, Section 55-10-207(e)(1). The fee shall be collected by the Clerk of the Court in which the action is filed. Four Dollars (\$4.00) of such fee shall be remitted to the local law enforcement agency issuing the traffic citation, which shall account for all such fees so received in a special revenue fund. The local law enforcement agency shall make disbursements from such special revenue fund only to fund electronic citation system and program related expenditures, and related expenditures by such law enforcement agency for technology, equipment, repairs, replacement and training to maintain electronic citation programs. All funds derived from the fee retained by the Clerk of Court shall be used exclusively for computer hardware purchases, usual and necessary computer related expenses, or replacement; such funds shall be preserved for those purposes and shall not revert to the general fund of the Clerk of Court at the end of a budget year if unexpended. The collection of the fee imposed by this section shall terminate five (5) years from the date of the adoption Ordinance adding this Section.

Section 3. If any section, phrase, sentence or portion of this Ordinance is held invalid or unconstitutional, such portion of this Ordinance shall be stricken and shall not affect the validity of remaining portions hereof.

Section 4. This Ordinance shall take effect from and after its final passage, the public welfare requiring it.

[INSERT SIGANTURE BLOCK]