

Passed: _____
Published: _____

ORDINANCE NO. 792

AN ORDINANCE AUTHORIZING SUSPENSION OF EXECUTION OF SENTENCE AND/OR PROBATION, OR BOTH, WITHIN THE DISCRETION OF THE MUNICIPAL MAGISTRATE COURT; PRESCRIBING CERTAIN DETAILS OF PROCEDURE AS TO COMPENSATION OF PRISONERS; PROVIDING FOR REPEAL OF INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY AND, DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROSWELL, NEW MEXICO:

That the Judge of the Municipal Magistrate Court of the City of Roswell, be, and he hereby is, authorized and empowered as follows:

Section 1. Suspension of sentence - Probation. Upon the entry of a plea of guilty or judgment of conviction, said Court may:

1. Suspend in whole or in part the execution of sentence; or
2. Place the defendant on probation for a period not exceeding one year upon such terms and conditions as the Court deems best; or upon both such suspended sentence and probation; provided, however, that such suspension of execution of the sentence or probation, or both as the case may be, shall be granted only when said Court shall be satisfied that the same will serve the ends of justice and the public good, and, provided further, that the Defendant's liability for any such fine or penalty imposed shall be fully discharged upon the successful completion and bona fide compliance with the terms and conditions of such suspension and/or probation, or both as the case may be.

Section 2. Procedure. Any person upon whom any fine or penalty shall be imposed may, upon order of the Municipal Magistrate Court before whom conviction is had, be committed to the County jail, municipal jail, prison farm or other place provided by the municipality for the incarceration of offenders until such fines, penalty and costs shall be fully paid; provided however, that no such imprisonment shall exceed ninety days for any one offense. That every person so committed shall be required to work for the City at such labor as his or her strength will permit within or without such prison or other place provided for the incarceration of such offenders, (not exceeding ten hours each working day, and for such work the person so employed shall be allowed, exclusive of his or her board, a sum of not less than two (\$2 00) dollars nor more than five (\$5. 00) dollars per day, within the discretion of the Court, for each days work on account of such fine, penalty or costs as may be imposed.)

Section 3. That if any section, paragraph, clause or provision of the Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of

such section, paragraph, clause or provision shall not affect any other part of this Ordinance.

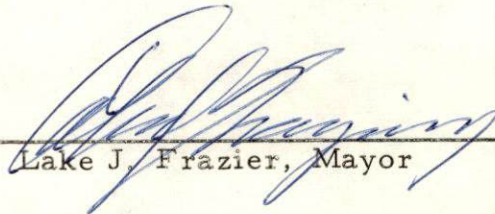
Section 4. That all ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

Section 5. That this ordinance is necessary for the preservation of the public health, peace, safety and welfare of the inhabitants of the City of Roswell, Chaves County, New Mexico, and is hereby declared to be an emergency measure on the ground of urgent public need; and therefore, immediately upon its final passage, shall be recorded in the book of ordinances of said City kept for that purpose, authenticated by the signatures of the Mayor and City Clerk, shall be published in the Roswell Daily Record, a legal newspaper, published and of general circulation in said City, and this ordinance shall be in full force and effect five days after such publication.

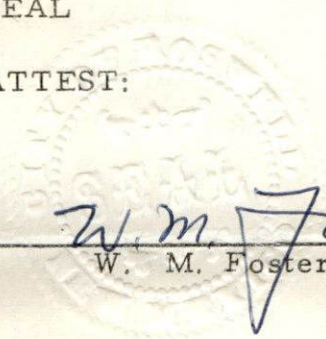

PASSED, ADOPTED, SIGNED AND APPROVED THIS 8th day of August, 1961.

SEAL

ATTEST:



Lake J. Frazier, Mayor

W. M. Foster, City Clerk