

**OFFICE OF COURT ADMINISTRATION  
TEXAS JUDICIAL COUNCIL**



**OFFICIAL CONSTITUTIONAL COUNTY COURT  
MONTHLY REPORT INSTRUCTIONS**

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## LEGAL REQUIREMENTS

Section 71.035(b) of the Texas Government Code and Chapter 171 of the Texas Administrative Code require each county clerk to submit a monthly activity report concerning the criminal, civil, family law juvenile, probate and mental health cases in the county's constitutional county courts.

Reports must be submitted each month **no later than 20 days following the end of the month for which data are reported.**

Unless OCA grants a waiver for good cause, the clerk **must submit the reports by electronic means**—by entering or uploading the data directly into the Trial Court Judicial Data Management System (<http://dm.courts.state.tx.us/>).

Counties with a waiver for electronic reporting may use the Official Constitutional County Court Monthly Report form or a printout from their case management system. Reports generated from a clerk's case management system should be an **exact replica** of the official monthly reporting form – *that is, all categories should follow the order on the monthly reporting form, no categories should added or omitted, and no data should appear in areas that are shaded on the form.* The maximum duration of a waiver is one year, but OCA may approve successive waivers.

Section 71.035(a) of the Government Code requires copies of the monthly reports to be maintained in the office of the county clerk for a period of **at least two years** and to be made available to the public for inspection and reproduction.

## GENERAL INSTRUCTIONS

**You must submit a report each month, even if your court had no activity.** If your court had no activity for the month, you may indicate this by writing a large zero, "X," or "No Activity" across the statistical part of the form.

Please complete all sections of the report that are relevant to your court(s). A blank will be interpreted as a zero.

**Include only that activity that occurred during the month for which you are submitting a report.** If you need to make changes to the information for a previous month, you must file an amended report. You should never adjust the current month's figures in an attempt to "fix" the information for previous months.

## COVER PAGE FOR PAPER REPORTS

Please complete the appropriate blanks identifying the **month** and **year** for the data being reported; the **county**; the clerk's name, mailing address, telephone and fax numbers, and email address; and the name and telephone number of the person preparing the report. Indicate whether the report contains information for all constitutional county courts in the county, or just for a specific court.

Reports generated from case management systems should include a cover page with the same identifying information mentioned above.

## CRIMINAL SECTION—MISDEMEANORS

### Definition of Criminal Cases

For the purpose of these reports, the number of criminal cases reported on this monthly reporting form is based on the number of defendants named in an information or complaint.

1. If a single information or complaint names more than one defendant, it is counted as more than one case. For instance, if three defendants are named in one information, count this as three cases.
2. If the same defendant is charged in more than one information, it is counted as more than one case. For instance, if the same person is named in four separate informations, count this as four cases.
3. Finally, if an information naming one defendant contains more than one count (Art. 21.24, C.C.P.), report this as one case under the category for the **most serious offense alleged**. If all counts are of the same degree, report the case under the category for the first offense alleged.

### Criminal Case Type Categories

The monthly report provides eleven categories for the reporting of misdemeanor cases. A complete alphabetized listing of the Penal Code and reporting categories is included as an appendix to these instructions and should be used as a reference source in determining the specific category in which a particular case is to be reported.

All misdemeanor cases are to be reported in one of the categories below.

1. **D.W.I.—FIRST OFFENSE**: An offense under Section 49.04, Penal Code (Driving While Intoxicated).
2. **D.W.I.—SECOND OFFENSE**: A second offense of driving while intoxicated (Section 49.04, Penal Code) under Section 49.09, Penal Code (Enhanced Offenses and Penalties).
3. **THEFT**: A misdemeanor offense under Chapter 31 (Theft) of the Penal Code, **except** Section 31.06, or an offense under Penal Code Section 33A.04 (Theft of Telecommunications Service).
4. **THEFT BY CHECK**: Any offense of theft or theft of service in which the defendant allegedly obtained property or secured performance of service by issuing or passing a check or similar sight order for the payment of money, when the issuer did not have sufficient funds in or on deposit with the bank or other drawee for the payment in full of the check or order as well as all other checks or orders then outstanding (Section 31.06, Penal Code). Also included are appeals of cases brought under Section 32.41, Penal Code (Issuance of Bad Checks).
5. **DRUG POSSESSION—MARIJUANA**: A misdemeanor offense under Section 481.120, Health and Safety Code (Delivery of Marihuana) or Section 481.121, Health and Safety Code (Possession of Marihuana).
6. **DRUG OFFENSES—OTHER**: Any other misdemeanor offense for possession, manufacture, delivery, sale, or possession with intent to deliver or sell a drug or controlled substance under the Texas Controlled Substances Act (Ch. 481, Health and Safety Code), the Texas Dangerous Drug Act (Ch. 483, Health and Safety Code), or Ch. 485, Abusable Volatile Chemicals, Health and Safety Code.
7. **FAMILY VIOLENCE ASSAULT**: A misdemeanor offense under Penal Code Section 22.01(a)(1) against a person whose relationship to the defendant is described by Section 71.0021(b), 71.003, or 71.005 of the Family Code.
8. **ASSAULT—OTHER**: Any other **misdemeanor** offense under Chapter 22 of the Penal Code.
9. **TRAFFIC**: Violations of the provisions of Title 7, Transportation Code and related statutes, **except** D.W.I., Section 49.04 (or Section 49.09 for a subsequent offense), Penal Code and Section 521.457, Transportation Code (Driving While License Invalid).
10. **D.W.L.S./D.W.L.I.**: An offense under Section 521.457, Transportation Code (Driving While License Invalid).
11. **OTHER MISDEMEANOR CASES**: A misdemeanor offense not clearly identifiable as belonging in one of the preceding categories.

This section of the monthly report is designed to collect information on misdemeanor case activity in the county-level courts. The **CRIMINAL SECTION—MISDEMEANORS** is divided into three subsections:

1. **CASES ON DOCKET**;
2. **DISPOSITIONS**; and
3. **SUPPLEMENTAL INFORMATION**.

## CASES ON DOCKET

### Line 1. CASES PENDING FIRST OF MONTH *(Sum of Lines 1a and 1b.)*

Report all misdemeanor cases previously filed but not disposed of at the beginning of the month.

These figures should be the same as those reported for **Cases Pending End of Month** (Lines 10a and 10b) on the prior month's report. **If the number of cases pending at the first of the month does not equal the number of cases pending at the end of the previous month, a docket adjustment must be entered.** A *docket adjustment* is the difference between the number of cases pending at the end of the previous month and the number of cases pending at the beginning of the current month.

#### *Example:*

If the number of cases pending at the end of the month is **smaller** than the number pending at the beginning of the current month, enter a **positive** number in the appropriate blank. For example, if 825 drug possession cases were pending at the end of April but 830 were pending as of May 1, "5" ( $825 + 5 = 830$ ) should be entered in the docket adjustment line under Drug Possession in the report for May.

If the number of cases pending at the end of the month is **larger** than the number pending at the beginning of the current month, enter a **negative** number in the appropriate blank. For example, if 900 theft cases were pending at the end of April but 890 were pending as of May 1, "-10" ( $900 - 10 = 890$ ) should be entered in the docket adjustment line under Theft in the report for May.

*Note:* OCA staff will calculate and enter the docket adjustment(s) for reports submitted on paper.

#### **Line 1a. Active Cases**

Report the number of cases that were active and awaiting disposition at the beginning of the month.

"Active cases" are those cases that the court has control over and are awaiting disposition.

#### **Line 1b. Inactive Cases**

Report the number of cases at the beginning of the month that had been classified as inactive.

*(See Line 9—Placed on Inactive Status for definition of an inactive case.)*

### Line 2. NEW CASES FILED DURING MONTH

Report the number of new misdemeanor cases filed for each case category. Include all new cases filed this month, even if they were disposed of this month.

**NOTE:** Only include complaints originally brought in the county-level court (Class A or B misdemeanors). Do not include any other types of cases defined in **All Other Cases Added** below.

### **Line 3. CASES APPEALED FROM LOWER COURTS**

Report all Class C misdemeanors docketed in your court(s) during the month that have been appealed from justice and municipal courts.

### **Line 4. MOTIONS TO REVOKE PROBATION/COMMUNITY SUPERVISION OR DEFERRED ADJUDICATION FILED**

Report the number of cases that had previously been reported disposed but have been restored to the court's pending caseload due to the filing of a **motion to revoke, modify, extend, or continue probation/community supervision or deferred adjudication**. **Also include cases in which the defendant did not comply with pre-trial diversion program requirements**. Report all relevant motions filed during the month, even if they were also disposed of this month.

*If possible, report the motion under the case category for which the defendant was ultimately found guilty or placed on probation, community supervision, or deferred adjudication.*

### **Line 5. CASES REACTIVATED**

Report the number of cases that had previously been placed in an inactive pending status, but for which further court proceedings and activities can now be resumed so that the case can proceed to disposition.

This category includes:

- Cases in which the defendant was apprehended or otherwise became available for court proceedings; and
- Cases in which the proceedings were suspended due to a question of mental illness or mental retardation:
  - That were reactivated after an examination for determining unfitness to proceed;
  - That were reactivated after the court or a jury decided that the defendant was not committable for temporary or extended mental health services; or
  - That were reactivated after the defendant's completion of temporary or extended inpatient mental health treatment.

#### **NOTES:**

- *Reactivated cases are reported under the same offense reported when the original case was filed.*
- *A case should be reactivated on the date of the defendant's first hearing.*
- *Reactivated cases are reported even if they were also disposed during the month.*

### **Line 6. ALL OTHER CASES ADDED**

Report all other cases added that do not fall in to the categories above. These may include:

- Indictments reduced to misdemeanors;
- Cases in which a motion for new trial has been granted;
- Cases transferred from another county on change of venue;
- Reinstated cases; and

- Cases remanded for new trial from appellate courts.

Do **not** include competency hearings, which should be reported on Line 4, *Competency Hearings Held* in the **CRIMINAL SECTION—ADDITIONAL COURT ACTIVITY**. *For the purpose of this report, a competency hearing is treated as a separate case from the original criminal case and is not reported as a disposition of the original criminal case.*

**Line 7. TOTAL CASES ON DOCKET**

The sum of active cases pending at the beginning of the month; new cases filed; cases appealed from lower courts; motions to revoke probation, community supervision or deferred adjudication filed; cases reactivated; and all other cases added equals **Total Cases on Docket**.

$$\text{Lines 1a} + 2 + 3 + 4 + 5 + 6 = 7$$

**Line 8. TOTAL CASES DISPOSED**

Report the total number of cases disposed during the month. The figures reported on this line should be the same as the Total Cases Disposed entered on Line 18 of the Dispositions Section.

**Line 9. PLACED ON INACTIVE STATUS**

Report the number of cases placed in an inactive pending status because further court proceedings and activities cannot be resumed until an event restores the case to the court's active pending caseload.

This category includes:

- Cases in which a directive to apprehend or warrant of arrest has been issued;
- Cases in which a defendant is being held elsewhere on federal charges;
- Cases stayed due to a question of mental illness or mental retardation;
- Cases stayed while a defendant undergoes temporary or extended inpatient mental health treatment; and
- Cases in which the defendant is otherwise unavailable for adjudication.

**Line 10. CASES PENDING END OF MONTH** *(Sum of Lines 10a and 10b.)*

**Line 10a. Active Cases**

Report the number of cases that were active and awaiting disposition at the end of the month.

$$\text{Line 7 minus the sum of Lines 8 \& 9} = \text{Line 10a}$$

**Line 10b. Inactive Cases**

Report the number of cases at the end of the month that were classified as inactive.

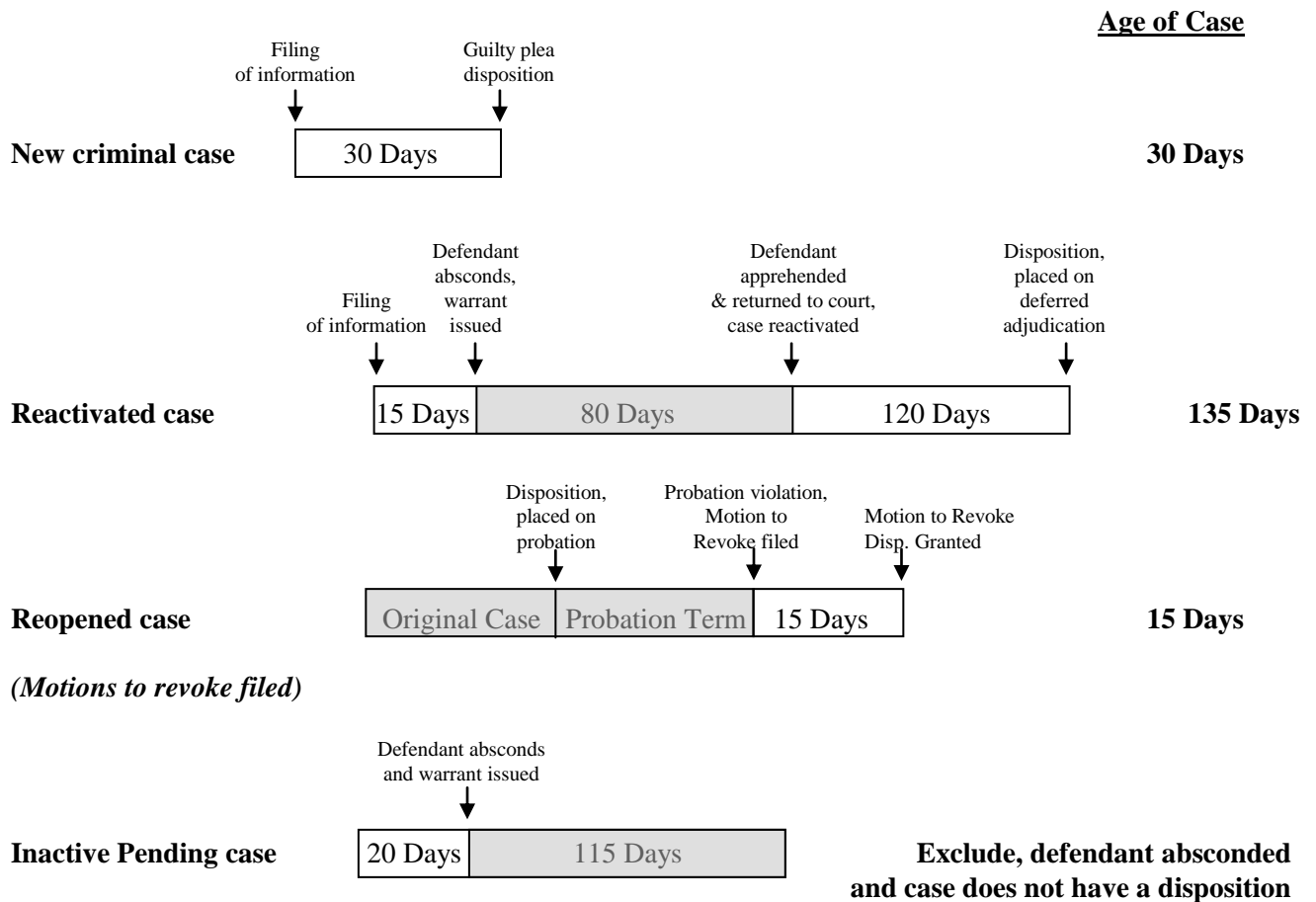
$$\text{Line 1b minus Line 5 plus Line 9} = \text{Line 10b}$$

**Line 11. AGE OF CASES DISPOSED**

Report the length of time the cases that were disposed of during the month had been on the docket as an *active case*. The total number of cases reported MUST match the total number of dispositions reported in Line 8.

Calculate this time span from the date the case or motion was filed in the court through the date on which it was disposed. Any time that the case was placed in an inactive status is NOT included in this calculation.

Below are examples of how the time is calculated.



**NOTES:**

- For reactivated cases, the date of reactivation is the first date that the respondent appears in court after being apprehended.
- For reopened cases (motions to revoke), the date of reopening is the date the motion reopening the case (e.g., motion to revoke, etc.) is filed.
- For inactive cases, the date of inactivation is the date that an arrest warrant is issued.

## DISPOSITIONS

Under the appropriate case category, report the number of misdemeanor cases disposed during the reporting period. **Report only one disposition per filing counted.**

**The disposition of a case** (even when it is for a lesser offense) **should be reported in the same case category as the original charge.**

### Line 12. CONVICTIONS

Report a case disposed by conviction in the **month in which the sentence is assessed.**

#### Line 12a. Guilty Plea or Nolo Contendere

Report the number of cases in which the defendant pled guilty or nolo contendere. Include cases in which the defendant pled guilty or nolo contendere after the start of a trial.

#### Line 12b. By the Court

Report the number of cases in which the defendant pled not guilty and was tried and found guilty by the judge.

#### Line 12c. By the Jury

Report the number of cases in which the defendant pled not guilty and was tried and **found guilty by a jury.**

### Line 13. PLACED ON DEFERRED ADJUDICATION

Report the number of cases in which the defendant was placed on deferred adjudication. These cases should be reported **at the time the defendant is first placed on deferred adjudication or a pre-trial diversion program.**

**NOTE:** Do **not** include cases in which a motion to revoke deferred adjudication was filed, the motion was denied, and deferred adjudication was continued. These cases are reported on Line 16b, *Motions to Revoke Denied/Probation Continued.*

### Line 14. ACQUITTALS

#### Line 14a. By the Court

Report the number of cases in which the defendant was found not guilty by the judge.

#### Line 14b. By the Jury

Report the number of cases in which the defendant was found not guilty by the jury.

### Line 15. DISMISSALS

Report all cases disposed by dismissal, including, but not limited to, cases dismissed due to reasons such as:



- insufficient evidence;
- defendant was convicted in another case;
- Speedy Trial Act limitations were not met;
- case was dismissed in order to be refiled;
- defendant was unapprehended;
- defendant was granted immunity for testimony;
- a combination of reasons; and
- unknown or unspecified reasons.

**Do not include dismissals following completion of deferred adjudication, probation, community supervision, or a pre-trial diversion program**, as these cases should already have been reported as disposed of at the time deferred adjudication or probation was granted. The only way these cases would be counted again on the report is when there is a motion to revoke filed. **A hearing for these matters should be counted under Cases Set for Review in the Additional Court Activity Section.**

**Line 16. MOTIONS TO REVOKE PROBATION/COMMUNITY SUPERVISION OR DEFERRED ADJUDICATION**

**a. Granted/Revoked**

Report the number of cases in which a motion to revoke probation/community supervision or deferred adjudication was granted and the **probation/community supervision or deferred adjudication was revoked**. Include cases in which deferred adjudication was revoked and the defendant was placed on probation.

**b. Denied/Continued**

Report cases in which a motion to revoke probation/community supervision or deferred adjudication is denied, or **probation/community supervision or deferred adjudication is continued, modified, or extended**.

**Line 17. ALL OTHER DISPOSITIONS**

Report all dispositions not clearly identifiable in any of the preceding categories, including:

- transfers on change of venue to a county-level court in **another** county;
- orders placing a defendant's supervision in abeyance; and
- admissions of unadjudicated offense (Penal Code, Sec. 12.45).

**Line 18. TOTAL CASES DISPOSED**

Enter the sum of Lines 12 through 17 under each category. These totals should be the same as those reported on Line 8, *Total Cases Disposed*.

**SUPPLEMENTAL INFORMATION**

**Line 19. SENTENCING INFORMATION**

For the cases reported as convictions in Lines 12 a through c, indicate the number of cases in which

the defendants were sentenced to:

- a. **Committed Directly to Local Jail**
- b. **Sentenced to Probation/Community Supervision with or without Jail as a Condition**
- c. **Fine Only**
- d. **Other**

**Each case should be reported in the same case category as the original charge.**

**Report only 1 sentence per case disposed by conviction.**

## **CRIMINAL SECTION—ADDITIONAL COURT ACTIVITY**

Report any of the activity below that occurred during the month in misdemeanor cases, regardless of whether cases were actually disposed during the month.

### **Line 1. CASES IN WHICH JURY WAS SELECTED**

Report the number of cases in which a jury was sworn in.

### **Line 2. CASES IN WHICH MISTRIAL DECLARED**

Report the number of cases in which a mistrial was declared.

### **Line 3. MOTION TO SUPPRESS HEARINGS HELD**

Report the number of motions to suppress that were granted or denied. These motions should be counted whether they were part of a regular trial or were addressed with a separate hearing.

### **Line 4. COMPETENCY HEARINGS HELD**

Report the number of competency hearings held pursuant to Chapter 46B, Code of Criminal Procedure. The hearing should be counted on the date the judge signs the order of commitment or release on bail (if the defendant is found to be incompetent for trial), or the date the judge or a jury decides that the defendant is competent for trial.

### **Line 5. CASES SET FOR REVIEW**

Report the number of criminal cases in which an initial judgment has been entered, **or in which the defendant is participating in a diversion program**, that **were set during the month for a regularly scheduled review** involving a hearing before a judicial officer. Examples include regularly scheduled status hearings in drug courts, mental health courts, DUI courts, family violence courts, etc.

### **Line 6. CASES WHERE ATTORNEY APPOINTED AS COUNSEL**

Report the number of criminal cases in which an attorney was appointed by the court.

**NOTES:**

- In criminal cases, an application for indigency and order of appointment must be filed in order for an attorney to be appointed to the case.
- Report each case in which an attorney was appointed by the court **regardless** of whether a trial was held.
- Report the case only in the **month in which the appointment was made**.
- **Do not report more than one appointment of an attorney to the same case.**

**Line 7. CASES WITH RETAINED COUNSEL**

Report the number of cases in which the defendant had retained counsel **at the time of the disposition** of the case.

**CRIMINAL SECTION—REQUEST FOR FINDING OF  
A HATE CRIME**

**LEGAL REQUIREMENTS**

Article 2.211 of the Code of Criminal Procedure provides that a report must be filed by the district or county clerk for each case in which a request is made for an affirmative finding under Article 42.014, Finding that Offense was Committed Because of Bias or Prejudice, Code of Criminal Procedure, along with a statement as to whether the request was granted by the court and, if so, whether the affirmative finding was entered in the judgment in the case.

**The report must be submitted to the Texas Judicial Council (Office of Court Administration) no later than the 30<sup>th</sup> day after the date the judgment was entered in the case.**

**INSTRUCTIONS**

**If no requests for a hate crime finding were made during the month being reported, check the box at the top of the form.**

**If a request for a hate crime finding was made:**

- Line 1.** Enter the name of the court that heard and ruled on the motion for an affirmative finding (e.g., 1<sup>st</sup> District Court).
- Line 2.** Enter the case number.
- Line 3.** Indicate whether the motion was granted, denied, or withdrawn.
- Line 4.** Indicate whether an affirmative finding was entered in the judgment of the case.
- Line 5.** Enter the date the judgment was entered in the case.

## CIVIL SECTION

### Definition of Civil Cases

A civil case does not depend on the number of persons or causes of action involved. For the purpose of these reports, a single civil case is counted and reported when:

1. An original petition is filed (no matter how many parties or causes of action are involved), or
2. Some other case is filed.

### Civil Case Categories

1. **INJURY OR DAMAGE—MOTOR VEHICLE:** All cases for damages associated in any way with a motor vehicle (automobile, truck, motorcycle, etc.), with or without accompanying personal injury. Examples include personal injury, property damage, and wrongful death cases that involve motor vehicles.
2. **OTHER INJURY OR DAMAGE:** All other cases alleging an injury or wrong committed against a person, their reputation, or their property by a party who either did something that he was obligated not to do or failed to do something that he was obligated to do. Examples include damages on premises, "slip-and-fall" cases, construction damages, assault, battery, animal attack, vandalism, slander/libel/defamation, malicious prosecution, and false imprisonment.
3. **REAL PROPERTY:** Cases involving disputes over the ownership, use, boundaries, or value of real property.
4. **CONTRACT—CONSUMER/COMMERCIAL/DEBT:** Cases involving a buyer of goods or services bringing a suit against the seller for failure either to deliver said goods or services or to honor a warranty as promised in an expressed or implied contract. Also, cases involving a seller of goods or services bringing a suit against a buyer for failure to pay for said goods or services as promised in an expressed or implied contract (debt collection). Examples include agreements, breach of contract, contracts, notes, sworn accounts, debts, and assignment of creditors.
5. **CONTRACT—LANDLORD/TENANT:** Cases alleging a breach of contract (lease) between a landlord and tenant, including unlawful detainer.
6. **OTHER CONTRACT:** All other cases involving a dispute over an agreement, express or implied, between two parties. Examples include employment cases (including discrimination, retaliation, termination, and other employment cases), fraud, mortgage foreclosures, home owners' association disputes, etc.
7. **CIVIL CASES RELATING TO CRIMINAL MATTERS:** All civil cases associated with criminal matters, including bond forfeiture, nondisclosure, occupational license, seizure and forfeiture, contempt (in criminal cases only), and writ of habeas corpus (in criminal cases only) cases.
8. **ALL OTHER CIVIL CASES:** All other civil cases not clearly identifiable as belonging in one of the preceding categories.

This section of the monthly report is designed to report information concerning the civil case activity of the constitutional county courts. The **CIVIL SECTION** is divided into three subsections:

1. **CASES ON DOCKET;**
2. **DISPOSITIONS;** and
3. **ADDITIONAL COURT ACTIVITY.**

### CASES ON DOCKET

#### **Line 1. CASES PENDING FIRST OF MONTH** (*Sum of Lines 1a and 1b.*)

Report all civil cases previously filed but not disposed of at the beginning of the month.

These figures should be the same as those reported for **Cases Pending End of Month** (Lines 8a and 8b) on the prior month's report. **If the number of cases pending at the first of the month does not equal the number of cases pending at the end of the previous month, a docket adjustment must**

**be entered.** A *docket adjustment* is the difference between the number of cases pending at the end of the previous month and the number of cases pending at the beginning of the current month.

***Example:***

If the number of cases pending at the end of the month is **smaller** than the number pending at the beginning of the current month, enter a **positive** number in the appropriate blank. For example, if 825 Other Contract cases were pending at the end of April but 830 were pending as of May 1, "5" ( $825 + 5 = 830$ ) should be entered in the docket adjustment line under Other Contract in the report for May.

If the number of cases pending at the end of the month is **larger** than the number pending at the beginning of the current month, enter a **negative** number in the appropriate blank. For example, if 900 Other Contract cases were pending at the end of April but 890 were pending as of May 1, "-10" ( $900 - 10 = 890$ ) should be entered in the docket adjustment line under Other Contract in the report for May.

**Note:** OCA staff will calculate and enter the docket adjustment(s) for reports submitted on paper.

**Line 1a. Active Cases**

Report the number of cases that were active and awaiting disposition at the beginning of the month.

“Active cases” are those cases that the court has control over and are awaiting disposition.

**Line 1b. Inactive Cases**

Report the number of cases at the beginning of the month that had been classified as inactive.

*(See Line 8—Placed on Inactive Status for definition of an inactive case.)*

**Line 2. NEW CASES FILED**

Report the total number of original petitions filed during the month. Include all new cases, including those that also may have been disposed of during the month. **Do not report the filing of amended or supplemental petitions.**

**Line 3. CASES APPEALED FROM LOWER COURTS**

Report the number of cases appealed from lower courts that were filed during the month.

**Line 4. CASES REACTIVATED**

Report the number of cases that **had previously been placed in an inactive pending status**, but for which further court proceedings and activities can now be resumed so that the case can proceed to disposition.

Examples include:

- Reinstated cases;
- Cases returned from arbitration;
- Cases in which a bankruptcy stay has been lifted;
- Cases in which there is a substitution of parties after suggestion of death;
- Cases removed from a “hold for judgment/settlement” status if a motion for rehearing or new trial is granted or if the case is returned to active status for a hearing or trial due to a breach of the settlement agreement; and
- Cases removed from abatement for any other reason.

**NOTES:**

- *A case should be “reactivated” only if it was put in some sort of an inactive status (abated, bankruptcy stay, etc.). A case that was previously disposed of but is being restored to the active docket should be counted as “reopened” and should therefore be reported in **All Other Cases Added** line.*
- *Reactivated cases are reported under the same case category reported when the original petition or motion was filed.*
- *Reactivated cases are reported even if they were also disposed during the month.*

**Line 5. ALL OTHER CASES ADDED**

Report the number of cases added to the docket in a manner other than the filing of a new, original case. Include cases in which:

- (1) a motion for new trial is granted in a case that had previously been reported as disposed of;
- (2) a case is transferred from another county on change of venue;
- (3) a case that had previously been reported as disposed of is remanded from a higher court;
- (4) a severance is ordered which splits one case into two or more cases;
- (5) a writ of garnishment is docketed;
- (6) a bill of review is docketed (with a new case number);
- (7) a petition for writ of sequestration is filed;
- (8) a petition for declaratory judgment is filed;
- (9) a motion for a turnover order is filed; and
- (10) a case involves similar matters that are not reported elsewhere.

The following are types of pre-trial motions that are **not** to be included here:

- (1) motions to dismiss;
- (2) motions for continuance;
- (3) motions for change of venue;
- (4) motions for production of documents;
- (5) motions for appointment of master, receiver, etc.;
- (6) motions for substitution or withdrawal of counsel;
- (7) motions to recuse judge;
- (8) motions for substituted service;
- (9) motions to take judicial notice of law of other state;
- (10) motions for severance;
- (11) motions to consolidate; and
- (12) motions for separate trials.

## **Line 6. TOTAL CASES ON DOCKET**

To calculate the **Total Cases on Docket**, add the active cases pending at the beginning of the month, new cases filed, other cases reaching docket, and reactivated cases.

$$\text{Lines 1a} + 2 + 3 + 4 + 5 = \text{Line 6}$$

### **NOTES:**

- Many of the cases that were filed during this reporting period may also have been disposed of in the same month. These cases are still included here.
- This line will calculate automatically if you are submitting your report online.

## **Line 7. TOTAL DISPOSITIONS**

Report the total number of cases disposed during the month. The figures reported on this line should be the same as the Total Dispositions entered on Line 21 of the Dispositions Section.

## **Line 8. PLACED ON INACTIVE STATUS**

Report the number of cases placed in an inactive pending status because further court proceedings and activities cannot be resumed until an event restores the case to the court's active pending caseload.

This category includes, but is not limited to:

- Cases ordered to arbitration;
- Cases in which a notice or suggestion of bankruptcy is filed;
- Cases delayed due to the Soldiers' & Sailors' Civil Relief Act;
- Cases in which a suggestion of death is filed;
- Cases placed in "hold for judgment/settlement" status—cases in which the issues have been resolved but the proceedings are "on hold" pending settlement to be completed or final judgment to be signed; and
- All other cases ordered abated by a judge.

## **Line 9. CASES PENDING END OF MONTH** (*Sum of Lines 9a and 9b.*)

### **Line 9a. Active Cases**

Report the number of cases that were active and awaiting disposition at the end of the month.

$$\text{Line 6 minus the sum of Lines 7 \& 8} = \text{Line 9a}$$

### **Line 9b. Inactive Cases**

Report the number of cases at the end of the month that were classified as inactive.

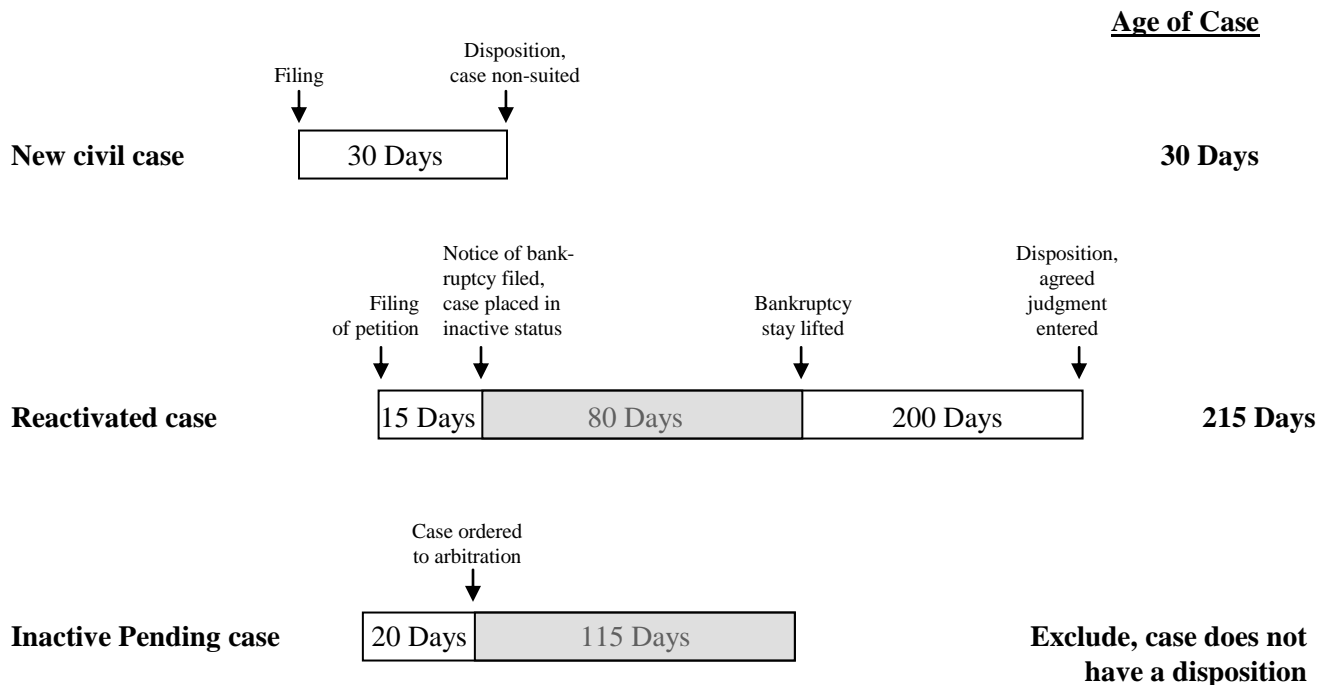
$$\text{Line 1b minus Line 4 plus Line 8} = \text{Line 9b}$$

**Line 10. AGE OF CASES DISPOSED**

Report the length of time the cases that were disposed of during the month had been on the docket as an *active case*. **The total number of cases reported MUST match the total number of dispositions reported in Line 7.**

Calculate this time span from the date the petition or motion was filed in the court through the date on which it was disposed. **Any time that the case was placed in an inactive status is NOT included in this calculation.**

Below are examples of how the time is calculated.



**DISPOSITIONS**

In this section, report the number of civil cases disposed during the month under the appropriate case category. A civil case is considered **disposed when a final judgment has been entered**, even if the case is eventually appealed.

**Report only one disposition per filing counted.** Report dispositions in the same case category under which the cases were filed. Choose the most appropriate disposition classification (Lines 11-20).

**Line 11. CHANGE OF VENUE TRANSFERS**

Report the number of cases transferred to another county on change of venue.



**Line 12. DEFAULT JUDGMENTS**

Report the number of cases in which the judgment was reached by default—the defendant, though served, failed to appear and answer, and judgment by default was granted in favor of the plaintiff.

**Line 13. AGREED JUDGMENTS**

Report cases in which the court entered a judgment based upon the mutual agreement of the parties involved in the suit.

**Line 14. SUMMARY JUDGMENTS DISPOSING OF CASES**

Report here cases in which **all** issues were disposed of by summary judgment. **Do not report partial summary judgments**, which dispose of only a portion of a case, as dispositions.

**Line 15. FINAL JUDGMENTS AFTER NON-JURY TRIAL**

Report cases in which the decision was reached after a trial or hearing by the judge, without a jury.

**Line 16. FINAL JUDGMENTS BY JURY VERDICTS**

Report the number of judgments entered after trial based on the verdict of a jury.

**Line 17. FINAL JUDGMENTS BY DIRECTED VERDICTS OR JUDGMENT N.O.V.**

Report cases in which a judgment was reached after a jury trial by a directed verdict by the court. Also include here any judgments notwithstanding the verdict (JNOV or “Non Obstante Veredicto”).

**Line 18. CASES DISMISSED FOR WANT OF PROSECUTION**

Report cases dismissed because the plaintiff or petitioner did not appear or otherwise made no effort to pursue his case.

**Line 19. CASES NON-SUITED OR CASES DISMISSED BY PLAINTIFF**

Report cases in which a dismissal was entered at the request of the plaintiff or petitioner. Also include cases dismissed by agreement of both parties.

**Line 20. ALL OTHER DISPOSITIONS**

Report those events which remove a case from the docket, but are not clearly identifiable as any of the preceding types of dispositions.

**Line 21. TOTAL DISPOSITIONS**

Report the sums of Lines 11 through 20 under the appropriate categories.

$$\text{Lines 11 + 12 + 13 + 14 + 15 + 16 + 17 + 18 + 19 + 20 = Line 21}$$

**ADDITIONAL COURT ACTIVITY**

This part of the **CIVIL SECTION** is designed to report information on court activity that occurred during the month, regardless of whether the case was disposed of during the same month.

**Line 22. CASES IN WHICH JURY WAS SELECTED**

Report the number of cases in which a jury was sworn in.

**Line 23. CASES IN WHICH MISTRIAL DECLARED**

Report the number of cases in which a mistrial was declared.

**Line 24. INJUNCTION OR SHOW CAUSE ORDER ISSUED**

Report the number of injunctions or show cause orders issued in a case **before entry of original judgment**.

**Line 25. PROTECTIVE ORDERS SIGNED**

Report the number of protective orders signed in any case.

## JUVENILE SECTION

### Definition of Juvenile Cases

The number of juvenile cases reported on this monthly reporting form is based on the number of respondents named in a petition for adjudication of a child alleged to have engaged in delinquent conduct or conduct indicating a need for supervision (C.I.N.S.), as governed by Title 3 of the Texas Family Code.

1. If the same respondent is charged in more than one petition, there is more than one case. For instance, if the same child is named in four petitions, count this as four cases.
2. If a petition contains more than one count, report this as one case under the category for the **most serious offense alleged**.

Texas Family Code, Section 51.02 generally defines a *child* as a person who:

1. is 10 years of age or older and under 17 years of age; or
2. is 17 years of age or older and under 18 years of age who is alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision as a result of acts committed before reaching age 17.

### Juvenile Case-Type Categories

All juvenile cases are to be reported on the monthly report in one of the following categories:

1. **Conduct indicating a need for supervision (C.I.N.S.)** (Texas Family Code, Sec. 51.03(b)) is conduct, other than a traffic offense, that constitutes:
  - a. the violation of a state penal law of the grade of misdemeanor punishable by fine only;
  - b. the violation of a penal ordinance of any political subdivision of the state;
  - c. truancy;
  - d. running away from home;
  - e. inhaling paint, glue, or certain other chemicals;
  - f. the violation of a school district's previously communicated written standards of student conduct for which the child has been expelled;
  - g. the violation of a child at-risk court order issued under Section 264.305 of the Family Code; or
  - h. failure to attend school under Section 25.094 of the Education Code (**only applies to counties with a population of less than 100,000**).
2. **Delinquent conduct** (Texas Family Code, Sec. 51.03(a)) is conduct that violates:
  - a. a state or federal penal law (other than a traffic offense) punishable by imprisonment or confinement in jail;
  - b. a lawful order of a court under circumstances that would constitute contempt of that court in 1) a justice or municipal court; or 2) a county court for conduct punishable only by a fine;
  - c. Section 49.04, 49.05, 49.06, 49.07, or 49.08 of the Penal Code; or
  - d. Section 106.041 of the Alcoholic Beverage Code, relating to driving under the influence of alcohol by a minor (third or subsequent offense).

Delinquent conduct cases should be reported in one of the following categories:

- 1) **CAPITAL MURDER:** An offense under Penal Code Section 19.03 (Capital Murder).
- 2) **MURDER:** An offense under Penal Code Section 19.02 (Murder).
- 3) **OTHER HOMICIDES:** An offense under Penal Code Section 19.04 (Manslaughter), 19.05 (Criminally Negligent Homicide), or 49.08 (Intoxication Manslaughter).
- 4) **AGGRAVATED ASSAULT OR ATTEMPTED MURDER:** A **felony** offense under Penal Code Section 22.01 (Assault), 22.04 (Injury to a Child, Elderly Individual, or Disabled Individual), 22.05 (Deadly Conduct), 22.07 (Terroristic Threat), or 22.08 (Aiding Suicide); an offense under Penal Code Section 22.015 (Coercing, Soliciting or Inducing Gang Membership), 22.02 (Aggravated Assault), 22.041 (Abandoning or Endangering Child), 22.09 (Tampering with Consumer Product), or 22.11 (Harassment by Persons in Certain Correctional Facilities; Harassment of Public Servant); or an offense of attempt (as defined in Section 15.01) to commit: Murder (19.02) or Capital Murder (19.03).
- 5) **ASSAULT:** A **misdemeanor** offense under Chapter 22 of the Penal Code.
- 6) **INDECENCY WITH A CHILD OR SEXUAL ASSAULT:** An offense under Penal Code Section 21.11 (Indecency with a Child); or an offense under Penal Code Section 22.011 (Sexual Assault) or 22.021 (Aggravated Sexual Assault) regardless of whether the victim is a child (younger than 17 years) or an adult.
- 7) **AGGRAVATED ROBBERY OR ROBBERY:** An offense under Penal Code Section 29.02 (Robbery) or 29.03 (Aggravated Robbery).
- 8) **BURGLARY:** An offense under Penal Code Section 30.02 (Burglary), 30.03 (Burglary of Coin-Operated or Coin Collection Machines), or 30.04 (Burglary of Vehicles).
- 9) **THEFT:** An offense under Chapter 31 (Theft) of the Penal Code, **except** when the property involved is a motor vehicle; an offense under Penal Code Section 32.31 (Credit Card Abuse or Debit Card Abuse); or an offense under Penal Code Section 33A.04 (Theft of Telecommunications Service).

- 10) **AUTOMOBILE THEFT:** An offense under Penal Code Section 31.03 (Theft) if the property involved is a motor vehicle, or an offense under Section 31.07 (Unauthorized Use of a Vehicle).
- 11) **FELONY DRUG OFFENSES:** A **felony** offense for possession, manufacture, delivery, sale, or possession with intent to deliver or sell a drug or controlled substance under the Texas Controlled Substances Act (Ch. 481, Health and Safety Code), the Texas Dangerous Drug Act (Ch. 483, Health and Safety Code).
- 12) **MISDEMEANOR DRUG OFFENSES:** A **misdemeanor** offense for possession, manufacture, delivery, sale, or possession with intent to deliver or sell a drug or controlled substance under the Texas Controlled Substances Act (Ch. 481, Health and Safety Code), the Texas Dangerous Drug Act (Ch. 483, Health and Safety Code), or Ch. 485, Abusable Volatile Chemicals, Health and Safety Code.
- 13) **D.W.I.:** An offense under Penal Code Section 49.04 (Driving While Intoxicated), 49.045 (Driving While Intoxicated with Child Passenger), or 49.09 (Enhanced Offenses and Penalties). Also include an offense under Penal Code Section 49.07 (Intoxication Assault) when the case involves a motor vehicle.
- 14) **CONTEMPT OF COURT:** A lawful order of a court under circumstances that would constitute contempt of that court in A) a justice or municipal court; or B) a county court for conduct punishable only by a fine.
- 15) **ALL OTHER OFFENSES:** An offense not clearly identifiable as belonging in one of the preceding categories.

**NOTE:** Depending on the county, jurisdiction in juvenile matters may be exercised by the county-level courts only, by the district courts only, or by both. Juvenile court cases are to be reported on the monthly reporting form for the type of court in which the cases are heard: cases heard by the constitutional county courts are reported on the Official Constitutional County Court Monthly Report; cases heard by the county courts at law are reported on the Official Statutory County Court Monthly Report; and cases heard by the district courts are reported on the Official District Court Monthly Report.

This section of the monthly report is designed to capture court activity involving **Title 3 of the Texas Family Code**. Do not report other Family Code matters typically handled by the juvenile court in this section. For instance:

- Suits affecting the parent-child relationship filed by the Texas Department of Protective and Regulatory Services alleging child abuse or neglect and seeking temporary managing conservatorship and/or termination of parental rights are not reported here. These cases are reported, at the time they are filed, in the Family Section as **New Cases Filed During Month** under the category of **Child Protection**.
- Motions to modify or similar *show cause* type motions filed after the entry of original judgment in a Protective and Regulatory Services case are reported in the Family Section under the **Child Protection** category as **All Other Cases Added**.
- Similarly, matters involving Titles 1, 2, or 4 of the Family Code are reported in the **Family Section**.

The **JUVENILE SECTION** is divided into four subsections:

1. **CASES ON DOCKET;**
2. **ADJUDICATIONS;**
3. **DISPOSITIONS;** and
4. **ADDITIONAL COURT ACTIVITY.**

The clerk must look at the petition to determine whether the case should be reported in the **C.I.N.S.** category or one of the **Delinquent Conduct** categories. Whenever a juvenile case is adjudicated, the finding and the disposition (if relevant) must always be reported in the same category as the filing of the original petition, i.e., **C.I.N.S.** or **Delinquent Conduct**.

## **CASES ON DOCKET**

**Lines 1a through 10b. TOTAL FELONY DELINQUENT CONDUCT CASES AND TOTAL MISDEMEANOR DELINQUENT CONDUCT CASES**

For lines in this section, indicate the total number of cases that involved a felony offense and the total number of cases that involved a misdemeanor offense.

If a petition contains more than one count, report this as one case under the category for the **most serious offense alleged**.

**Line 1. CASES PENDING FIRST OF MONTH** (*Sum of Lines 1a and 1b.*)

Report all juvenile cases previously filed but not disposed of at the beginning of the month.

These figures should be the same as those reported for **Cases Pending End of Month** (Lines 10a and 10b) on the prior month's report. **If the number of cases pending at the first of the month does not equal the number of cases pending at the end of the previous month, a docket adjustment must be entered.** A *docket adjustment* is the difference between the number of cases pending at the end of the previous month and the number of cases pending at the beginning of the current month.

**Example:**

If the number of cases pending at the end of the month is **smaller** than the number pending at the beginning of the current month, enter a **positive** number in the appropriate blank. For example, if 825 drug possession cases were pending at the end of April but 830 were pending as of May 1, "5" ( $825 + 5 = 830$ ) should be entered in the docket adjustment line under Drug Possession in the report for May.

If the number of cases pending at the end of the month is **larger** than the number pending at the beginning of the current month, enter a **negative** number in the appropriate blank. For example, if 900 assault or attempted murder cases were pending at the end of April but 890 were pending as of May 1, "-10" ( $900 - 10 = 890$ ) should be entered in the docket adjustment line under Assault or Attempted Murder in the report for May.

**Note:** OCA staff will calculate and enter the docket adjustment(s) for reports submitted on paper.

**Line 1a. Active Cases**

Report the number of cases that were active and awaiting disposition at the beginning of the month.

**Line 1b. Inactive Cases**

Report the number of cases at the beginning of the month that had been classified as inactive.

## NO ACTIVITY

### *Online Reporting Only:*

If one or more district courts are designated as a juvenile court and **no new cases or motions to revoke probation were filed, no cases reached the docket as described in Line 4, AND no cases were adjudicated** during the month reported, check the “No Activity” box. (Lines 2 through 21 will be automatically filled in with zeros when “Submit” is selected.)

*Go to Additional Court Activity, Line 22.*

### *Paper Form Only:*

If one or more district courts are designated as a juvenile court and **no new cases or motions to revoke probation were filed, no cases reached the docket as described in Line 4, AND no cases were adjudicated** during the month reported, check the “No Activity” box.

*Go to Additional Court Activity, Line 22.*

## **Line 2. NEW PETITIONS FOR ADJUDICATION FILED**

Report the number of new petitions (new cases) filed for adjudication of delinquent conduct or conduct indicating a need for supervision, even if they were also disposed of during the month.

*NOTE: Do not include detention hearings, which are reported on Line 24 of Additional Court Activity.*

## **Line 3. NEW PETITIONS/MOTIONS FILED FOR TRANSFER TO CRIMINAL COURT**

Report the number of petitions or motions filed for transfer of a child to a regular criminal court for trial as an adult (defined in Texas Family Code, Section 54.02).

## **Line 4. MOTIONS TO MODIFY, ENFORCE OR PROCEED FILED**

Report the number of cases that had previously been reported adjudicated or disposed but have been restored to the court’s pending caseload due to the filing of a request to modify or enforce the existing disposition or, in cases of deferred prosecutions or adjudications, to proceed with the original case. Include:

- Any motions to modify disposition in a child’s case filed pursuant to Family Code Section 54.05. This includes motions for:
  - Amending the conditions of probation;
  - Extending the probation term beyond the initial period;
  - Changing the probation placement of the child; and
  - Revoking probation to commit the child to the Texas Youth Commission;
- Referrals for release from the Texas Youth Commission and placement on parole (Section 54.11, Family Code);
- Referrals for transfer from the Texas Youth Commission to the institutional division of the

Texas Department of Criminal Justice (Section 54.11, Family Code);

- Motions for placement on adult determinate sentence probation (Section 54.051, Family Code); and
- Cases reopened due to termination of deferred prosecution:
  - Cases in which a child violated his or her conditions of informal probation and the prosecutor has decided to proceed with prosecuting the original case; or
  - Cases in which the child and his/her parent or guardian terminate the deferred prosecution and petition the court for a hearing in the case.

*NOTE: These reopened cases are reported even if they were also adjudicated or heard during the month.*

#### **Line 5. CASES REACTIVATED**

Report the number of cases that had previously been placed in an inactive pending status, but for which further court proceedings and activities can now be resumed so that the case can proceed to adjudication or disposition.

This category includes:

- Cases in which the respondent was apprehended or otherwise became available for court proceedings;
- Cases in which the proceedings were suspended due to a question of mental illness or mental retardation:
  - That were reactivated after an examination for determining unfitness to proceed;
  - That were reactivated after the court or a jury decided that the child was not committable for temporary or extended mental health services; or
  - That were reactivated after the child's completion of temporary or extended inpatient mental health treatment.
- Cases in which the respondent was otherwise unavailable for adjudication.

#### **NOTES:**

- Reactivated cases are reported under the same offense reported when the original petition was filed.
- *A case should be reactivated on the date of the defendant's first hearing.*
- Reactivated cases are reported even if they were also adjudicated during the month.

#### **Line 6. ALL OTHER CASES ADDED**

Report all other cases or motions filed that do not fall in to the categories above. These may include:

- Cases transferred from other counties; and
- Cases remanded from appellate courts.

**Line 7. TOTAL CASES ON DOCKET**

The sum of active cases pending at the beginning of the month, new petitions for adjudication filed; new petitions or motions filed during the month for transfer to adult criminal court; motions to modify, enforce or proceed that reopened a case; reactivated cases; and all other cases reaching docket equals **Total Cases on Docket.**

$$\text{Lines 1a} + 2 + 3 + 4 + 5 + 6 = 7$$

**Line 8. TOTAL CASES ADJUDICATED**

Report the total number of cases adjudicated or motions heard during the month. The figures reported on this line should be the same as the Total Cases Adjudicated entered on Line 19 of the Adjudication Section.

**Line 9. PLACED ON INACTIVE STATUS**

Report the number of cases placed in an inactive pending status because further court proceedings and activities cannot be resumed until an event restores the case to the court's active pending caseload.

This category includes:

- Cases in which a *directive to apprehend* or *warrant of arrest* has been issued;
- Cases stayed due to a question of mental illness or mental retardation;
- Cases stayed while a respondent undergoes temporary or extended inpatient mental health treatment; and
- Cases in which the respondent is otherwise unavailable for adjudication.

**Line 10. CASES PENDING END OF MONTH** (*Sum of Lines 10a and 10b.*)

**Line 10a. Active Cases**

Report the number of cases that were active and awaiting disposition at the end of the month.

$$\text{Line 7} - (\text{Line 8} + \text{Line 9}) = \text{Line 10a}$$

**Line 10b. Inactive Cases**

Report the number of cases at the end of the month that were classified as inactive.

$$(\text{Line 1b} - \text{Line 5}) + \text{Line 9} = \text{Line 10b}$$

**Line 11. AGE OF CASES ADJUDICATED**

Report the length of time the cases reported in Lines 12 through 18 had been on the docket as *active cases*. **The total number of cases here MUST match the total number of cases reported in Lines 8 and 19.**

Calculate this time span from the **date the petition or motion was filed in the court through the**

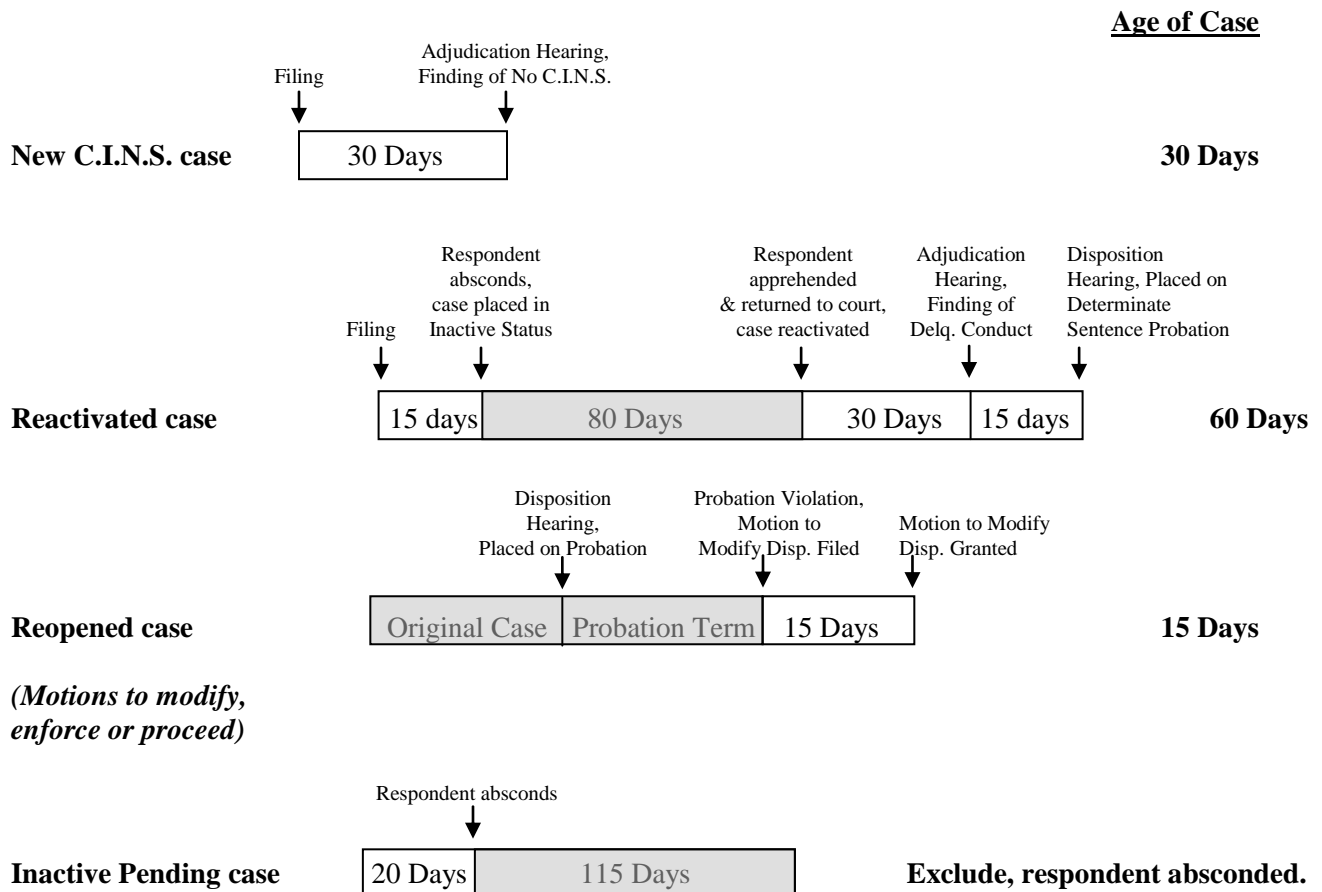


**date on which it was adjudicated, except in cases where a finding of delinquent conduct or C.I.N.S. is made.**

**In cases involving a finding of delinquent conduct or C.I.N.S., calculate the time span from the date the petition was filed through the date of the disposition hearing (required by Section 54.04, Family Code).**

**Any time that the case was placed in an inactive status is NOT included in this calculation.**

Below are examples of how the time is calculated.



**NOTES:**

- For reactivated cases, the date of reactivation is the first date that the respondent appears in court after being apprehended.
- For reopened cases (motions to modify, enforce or proceed), the date of reopening is the date the motion reopening the case (e.g., motion to modify disposition, etc.) is filed.
- For inactive cases, the date of inactivation is the date that a directive to apprehend (“arrest warrant”) is issued.
- *Report a deferred prosecution as a disposition at the time the respondent is first placed on the deferral.*

## ADJUDICATIONS SECTION

### Line 12. FINDINGS OF DELINQUENT CONDUCT OR C.I.N.S.

Under the appropriate offense, report the number of cases in which a final judgment has been entered following an **adjudication hearing** (defined in Family Code, Section 54.03) in Lines 12a through 12c. **Report these cases in the same month in which the case is disposed by a disposition hearing (defined in Family Code, Section 54.04).**

#### Line 12a. Plea of True

Report the number of cases in which the respondent entered a plea of true.

#### Line 12b. By the Court

Report the number of cases in which the court made a finding of delinquent conduct or C.I.N.S.

#### Line 12c. By the Jury

Report the number of cases in which the jury made a finding of delinquent conduct or C.I.N.S.

### Line 13. DEFERRED PROSECUTION OR ADJUDICATION

Report the number of cases in which:

- the respondent was placed on informal probation and prosecution of his/her case was deferred; or
- adjudication was withheld pending completion of a specialized court program (i.e., drug court program).

Report these cases at the time the respondent is first placed on informal probation or on a specialized court program.

### Line 14. TRANSFERRED TO CRIMINAL COURT

Report the number of cases in which the respondent was certified for transfer to criminal court for trial as an adult (Section 54.02, Family Code).

### Line 15. FINDINGS OF NO DELINQUENT CONDUCT OR NO C.I.N.S.

Under the appropriate offense, report the number of cases in which a final judgment has been entered following an **adjudication hearing** (defined in Family Code, Section 54.03) in Lines 15a and b.

#### Line 15a. By the Court

Report the number of cases in which the court made a finding of no delinquent conduct or no C.I.N.S.

**Line 15b. By the Jury**

Report the number of cases in which the jury made a finding of no delinquent conduct or no C.I.N.S.

**Line 16. DISMISSALS**

Report the number of cases dismissed, including cases dismissed without any adjudication, for insufficient evidence, for further investigation, the respondent was over 18 years of age, or the case was refiled.

**Line 17. MOTIONS TO MODIFY DISPOSITION**

Under the appropriate offense, report the number of motions to modify disposition in Lines 17a and 17b that were heard during the month.

**Line 17a. Denied**

Report the number of motions to modify disposition that were denied by the court.

**Line 17b. Granted**

Report the number of motions to modify disposition granted by the court, including orders:

- Revoking a child's probation and sending him/her to the Texas Youth Commission;
- Amending conditions of probation;
- Extending the probation term beyond an initial period;
- Terminating probation early; and
- Changing the probation placement of the child.

**Line 18. ALL OTHER ADJUDICATIONS/FINDINGS**

Report all other cases adjudicated or motions heard during the month that do not fall in to the categories above, such as cases transferred to another county.

**Line 19. TOTAL CASES ADJUDICATED**

Report the total number of cases adjudicated or motions heard during the month (the sum of Lines 12 through 18). The figures reported on this line should be the same as the Total Cases Adjudicated entered on Line 8 of the Cases on Docket Section.

**DISPOSITIONS SECTION**

**Line 20. DISPOSITION OF CASES WITH FINDINGS OF DELINQUENT CONDUCT OR C.I.N.S.**

Under the appropriate offense, indicate the outcomes of the disposition hearings (defined in Family Code Section 54.04) involving the cases that were reported adjudicated in Line 12.

## **Probation Granted**

### **Line 20.A.1 Determinate Sentence Probation**

Report the number of cases in which the respondent was placed on determinate sentence probation (Family Code, Section 54.04(q)).

### **Line 20.A.2 All Other Probation**

Report the number of cases in which the respondent was placed on any other type of probation.

## **Child Committed to Texas Youth Commission**

### **Line 20.B.1 Determinate Sentence**

Report the number of cases in which the respondent was committed to the Texas Youth Commission for a determinate sentence (Section 54.04(d)(3), Family Code).

### **Line 20.B.2 Indeterminate Sentence**

Report the number of cases in which the respondent was committed to the Texas Youth Commission for an indeterminate sentence (Section 54.04(d)(2), Family Code).

## **Final Judgment Without Any Disposition**

### **Line 20.C Final Judgment Without Any Disposition**

Report only those cases in which the court's final judgment states that the judgment is *without any disposition* (as provided by Family Code, Section 54.04(c)). If the judgment does not say that it is *without any disposition*, check the judgment more closely to determine the placement of the child.

## **Line 21. DISPOSITION OF CASES IN WHICH MOTION TO MODIFY DISPOSITION WAS GRANTED**

Indicate the outcome of cases in which disposition was modified (reported in Line 17b) after a hearing to modify disposition (defined in Family Code Section 54.05).

### **Line 21.A Probation Revoked, Child Sent to the Texas Youth Commission**

Report the number of motions to modify disposition granted by the court that revoked a child's probation and sent him/her to the Texas Youth Commission.

### **Line 21.B All Other Dispositions**

Report all other motions to modify disposition granted by the court, including orders:

- Amending conditions of probation;
- Extending the probation term beyond an initial period;
- Terminating probation early; and
- Changing the probation placement of the child.

## **ADDITIONAL COURT ACTIVITY**

### **Line 22. GRAND JURY APPROVALS (DETERMINATE SENTENCE PROCEEDINGS)**

Report the number of cases in which the prosecutor has referred a petition to a grand jury for approval during the month for determinate sentence proceedings (Section 51.031 or 53.045, Family Code).

### **Line 23. RELEASE OR TRANSFER HEARINGS HELD (DETERMINATE SENTENCE PROCEEDINGS)**

Report the number of hearings held pursuant to Section 54.11, Family Code concerning: 1) a referral for the transfer of a person committed to the Texas Youth Commission to the institutional division of the Texas Department of Criminal Justice or 2) a request from the Texas Youth Commission for approval of the release under supervision of a person committed to the commission.

### **Line 24. DETENTION HEARINGS CONDUCTED**

Report the number of detention hearings held during the month.

### **Line 25. CASES SET FOR REVIEW**

Report the number of juvenile cases in which an initial judgment has been entered that **were set during the month for a regularly scheduled review** involving a hearing before a judicial officer. Examples include regularly scheduled status hearings in drug courts, mental health courts, DUI courts, family violence courts, etc.

### **Line 26. CHAPTER 55 PROCEEDINGS HELD (COMPETENCY HEARINGS)**

Report the number of proceedings held under Chapter 55 of the Texas Family Code. These proceedings may include:

- Motions for mental illness determination (Section 55.11, Family Code);
- Motions for unfitness to proceed determination (Section 55.31, Family Code);
- Motions for an examination for mental illness or mental retardation to determine lack of responsibility for conduct (Section 55.51(b), Family Code);
- Initiation of commitment proceedings (Section 55.12, Family Code);
- Mental health commitment proceedings (Section 55.13, Family Code);
- Fitness to proceed hearings (Section 55.32, Family Code);
- Restoration hearings (Section 55.43, Family Code); and
- Transfers to criminal court on 18<sup>th</sup> birthday of child (Section 55.44, Family Code).

**Line 27. MOTION TO SUPPRESS HEARINGS HELD**

Report the number of motions to suppress that were granted or denied.

**Line 28. APPLICATIONS FOR SEALING RECORDS FILED**

Report the number of applications **filed** for sealing of juvenile records under Section 58.003, Family Code.

**NOTES:**

- **Do not** include cases in which the juvenile's record is sealed as part of the disposition of the criminal case.
- **Do not** count these applications in the Cases on Docket or Dispositions sections.

**Line 29. MOTIONS FOR SEX OFFENDER UNREGISTRATION OR DEREGISTRATION FILED**

Report the number of petition or motions filed for exemption from sex offender registration under Section 62.301, Code of Criminal Procedure ("unregistration") or Section 62.353, Code of Criminal Procedure ("deregistration").

**NOTES:**

- **Do not** count these motions in the Cases on Docket or Dispositions sections.

**Line 30. CASES IN WHICH ATTORNEY APPOINTED AS COUNSEL**

Report the number of cases in which an attorney was appointed by the court.

**NOTES:**

- In juvenile cases, an application for indigency and an order of appointment must be filed in order for an attorney to be appointed to the case.
- Report each case in which an attorney was appointed by the court regardless of whether an adjudication hearing was held.
- Report the case only in the **month in which the appointment was made.**
- **Do not report more than one appointment of an attorney to the same case.**

**Line 31. CASES WITH RETAINED COUNSEL**

Report the number of cases in which the respondent had retained counsel **at the time of the disposition** of the case.

# PROBATE AND GUARDIANSHIP SECTION

## Definition of Probate and Guardianship Cases

For the purpose of this report, the number of probate and guardianship cases reported is based on the number of proceedings filed or heard each month. **DO NOT INCLUDE amended, corrected or supplemental pleadings.**

## Probate and Guardianship Case-Type Categories

1. **INDEPENDENT ADMINISTRATION:** A proceeding to probate a will and for issuance of letters testamentary under Section 145(b), Probate Code, or an estate opened under any of the following sections:
  - Probate Code Section 145(c), where the will does not provide for an independent administration;
  - Probate Code Section 145(d), where no named independent executor is living or available to serve; or
  - Probate Code Section 145(e), where all parties agree to have an independent administration in an intestate situation.
2. **DEPENDENT ADMINISTRATION:** An estate opened under Probate Code Section 178. These estate cases require court monitoring. **Also include applications to appoint a temporary administrator under Probate Code Chapter VI.**
3. **ALL OTHER ESTATE PROCEEDINGS:** Other proceedings involving the handling or transfer of property by reason of the death of an individual such as:
  - muniment of title proceeding under Probate Code Section 89A *et seq.*;
  - determination of heirship without an administration under Probate Code Section 48;
  - small estate proceedings under Probate Code Section 137;
  - sale of minor's interest in real property under Probate Code Section 889;
  - payment of claims without administration under Probate Code Section 887;
  - **probate of a foreign will under Probate Code Section 95;**
  - **deposit of a will;**
  - **application to compel delivery of will;**
  - **court order to open lock box; and**
  - **application requesting emergency intervention under Probate Code Section 108.**
4. **GUARDIANSHIP:** Cases involving the establishment of, or a controversy over, the relation existing between a person (guardian) lawfully invested with the power and charged with the duty of taking care of the rights of a minor or adult (ward) who is considered by the court as incapable of caring for himself/herself. Include:
  - applications filed under Section 682, Probate Code, requesting the appointment of a guardian of the person and/or estate;
  - applications filed under Section 875, Probate Code, requesting the appointment of a temporary guardian;
  - applications filed under Section 867, Probate Code, requesting the creation of a guardianship management trust;
  - **applications filed under Section 881, Probate Code, requesting the appointment of a nonresident guardian;**
  - **applications filed under Section 890, Probate Code, for sale of property of a ward without guardianship of the estate; and**
  - **cases filed under Section 782, Probate Code: Powers, Duties, and Obligations of Guardian of Person Entitled to Government Funds.**

Report the case under **GUARDIANSHIP—MINOR** or **GUARDIANSHIP—ADULT**, depending on the age of the proposed ward.
5. **ALL OTHER CASES:** All other cases not clearly identifiable as belonging in one of the preceding categories.

The **PROBATE AND GUARDIANSHIP** section of the monthly report is designed to collect information on probate and guardianship case activity in the county-level courts. This section is divided into two subsections:

1. **CASES ON DOCKET**
2. **ADDITIONAL INFORMATION**

## CASES ON DOCKET

### Line 1. NEW CASES OR APPLICATIONS FILED

Report the number of cases in which an original petition or application was filed during the month to 1) establish a **new, separate case** or 2) to **contest a will or guardianship** in an already existing case

(see definitions below).

**Notes:**

1. *Definition of will contests:* All cases associated in any way with a will or trust, including challenges concerning the validity of the will or trust or the appointment of a personal representative (executor or administrator) and declaratory judgment actions involving a decedent's estate or a trust.
2. *Definition of guardianship contests:* All cases associated in any way with a guardianship, including challenges concerning the capacity of the proposed ward, the need for a full guardianship, the availability of a less restrictive alternative, or the qualifications of a guardian (whether of the person or estate or both) and declaratory judgment actions involving the proposed ward.
3. If any other petition, application or other matter, is filed within an already established case, do **not** count it as a new case; such cases or matters are reported in Line 2, Other Cases Added.
4. If an application for guardianship is filed as a result of Section 683 proceedings, count the application as a new case.

**Line 2. OTHER CASES ADDED**

**a. Ancillary Cases**

Report the number of **cases** filed involving contested matters **that bear no direct relationship to the administration of the probate estate and that would have the possibility of becoming an independently-tried lawsuit**. These cases are filed within an already existing case under a sub-case or ancillary cause number (e.g., 123456-A). Such matters may include:

- **Fiduciary breaches:** All cases challenging the activities of a fiduciary in a probate or guardianship matter. A fiduciary includes (but is not limited to) executors, administrators, trustees, guardians, agents and under powers of attorney. This would include all actions involving bonds and sureties.
- **Debt/claims cases:** All cases seeking to recover on or enforce the terms of a certain and express agreement, usually for the purpose of recovering a specific sum of money or for actions involving real property.
- **Family law matters:** All cases involving family law matters, such as divorces, child custody, or paternity actions.
- **Personal injury:** All cases for damages associated in any way with personal injury, property damage, or wrongful death and survival cases.
- **Other cases:** All other contested civil cases not clearly identifiable as belonging in one of the preceding categories.

**b. All Other Matters**

Report the number of other matters added to the docket **in a manner other than the filing of a new, original case**. **Do not include amended, corrected or supplemental pleadings.**

Include:



- All motions filed or matters instituted after original judgment to obtain compliance with statutory requirements, including:
  - show cause motions filed by parties,
  - show cause matters instituted *sua sponte (of its own will or motion)* by the court,
  - contempt proceedings,
  - proceedings to require accountings (filed by a party or by the Court),
  - proceedings for removal of personal representatives, guardians or trustees,
  - motions to require bond, and
  - proceedings to compel distributions;
- Cases in which a motion for new trial has been granted;
- Cases transferred from another county on change of venue;
- Cases remanded from a higher court;
- Cases split by a severance order;
- Cases in which a bill of review is docketed (with a new case number);
- Cases involving similar matters that are not reported elsewhere.

**Line 3. INVENTORIES FILED**

For each available case category, report the number of filings of an Inventory, Appraisal and List of Claims during the month, whether an inventory has been approved or not.

**Line 4. GUARDIANSHIP OF PERSON REPORTS FILED**

Report the number of Annual Reports filed during the month by a Guardian of the Person pursuant to Probate Code Section 743, whether they have been approved or not.

**Line 5. ANNUAL OR FINAL ACCOUNTS FILED**

For each available case category, report the number of annual or final accounts filed during the month, whether they have been approved or not.

Report annual accounts filed in:

- dependent administrations pursuant to Probate Code Section 399 and
- guardianships of the estate pursuant to Probate Code Section 741.

Report final accounts filed in:

- dependent administrations pursuant to Probate Code Section 405 and
- guardianships of the estate pursuant to Probate Code Section 749.

**ADDITIONAL INFORMATION**

**Line 6. GUARDIANSHIPS**

**a. DISMISSED OR DENIED**

Report the number of cases in which the application for guardianship or creation of a guardianship

management trust was denied or dismissed for any reason (i.e., nonsuits, guardianship denials, dismissal for want of prosecution, etc.) during the month.

**b. GRANTED**

Report the number of cases in which the application for guardianship or creation of a guardianship management trust was granted during the month.

**NOTE:** If an application for temporary guardianship is granted during the month, then an application for permanent guardianship is also granted during the same month, the case should be reported twice. The closing of the temporary guardianship should also be reported in the **Closed** category.

**c. CLOSED**

Report the number of cases in which the guardianship or a guardianship management trust is closed **with a final order** during the month. Include:

- Orders closing guardianship;
- Orders closing temporary guardianship;
- Orders terminating a trust;
- Cases transferred to another jurisdiction;
- any other final orders or judgments **completely disposing** of a guardianship case.

Do not report the guardianship cases as disposed until all matters in the case are closed.

**d. ACTIVE**

Report the number of **active** cases in which an **order granting guardianship has been issued**.

**Line 7. SECTION 683 INVESTIGATIONS**

Report the number of requests filed during the month for investigation into the need for a guardianship under Probate Code Section 683, including instances where the court appoints a court investigator, court visitor, guardian ad litem, or attorney ad litem. Requests should be reported even if they were also disposed of during the same month.

**Line 8. CHAPTER 48 REMOVALS**

Report the number of applications filed during the month by the Texas Department of Family and Protective Services for the emergency removal of a person pursuant to Chapter 48 of the Human Resources Code, even if the applications were also disposed of during the same month.

**Line 9. HEARINGS HELD**

Report the number of hearings **held** during the month in decedent's estates and guardianship cases. **Do not include** orders signed administratively or matters scheduled for hearing which were cancelled or continued.

# COURT-ORDERED MENTAL HEALTH SERVICES SECTION

## LEGAL REQUIREMENTS

Section 574.014 of the Health and Safety Code requires the clerk of each court with jurisdiction to order commitment for involuntary mental health services to provide the Office of Court Administration each month with a report of the number of applications for commitment orders for involuntary mental health services filed with the court and the disposition of those cases, including the number of commitment orders for inpatient and outpatient mental health services.

The **Mental Health** section of the monthly report is designed to collect information on mental health case activity in the county-level courts.

### Mental Health Case-Type Categories

The monthly report provides four categories for the reporting of applications for commitment and applications for modification. **Do not include information regarding other types of mental health services.**

1. **TEMPORARY MENTAL HEALTH SERVICES:** Applications for commitment under Health & Safety Code §574.034(a) or §574.034(b) for not longer than 90 days. **Do not** include requests for modification of existing commitment orders.
2. **EXTENDED MENTAL HEALTH SERVICES:** Applications for commitment under Health & Safety Code §574.035(a) or §574.035(b) for greater than 90 days, but not longer than 12 months. **Do not** include requests for modification of existing commitment orders.
3. **MODIFICATION: INPATIENT TO OUTPATIENT:** Under Health & Safety Code §574.061, applications for the modification of an existing order for commitment for inpatient services to provide for commitment for outpatient services.
4. **MODIFICATION: OUTPATIENT TO INPATIENT:** Under Health & Safety Code §574.065(d)(2), applications for the modification of an existing order for commitment for outpatient services to provide for commitment for inpatient services.
5. **ORDER TO AUTHORIZE PSYCHOACTIVE MEDICATIONS:** Under Health & Safety Code §574.106, applications seeking an order authorizing, reauthorizing or modifying the administration of psychoactive medication.

The **MENTAL HEALTH** section is divided into three parts:

1. **INTAKE;**
2. **HEARINGS;** and
3. **OTHER INFORMATION.**

### Line 1. NEW APPLICATIONS FILED

Report the number of applications for commitment orders and applications for modification orders filed during the month.

### Line 2. ORDERS FOR PROTECTIVE CUSTODY SIGNED

Report the number of orders for protective custody signed pursuant to Section 574.022 of the Health and Safety Code.

### Line 3. PROBABLE CAUSE HEARINGS HELD

Report the number of hearings held pursuant to Section 574.025 of the Health and Safety Code. Include cases in which a proposed patient waived an appearance at the hearing.

**Line 4. RELEASE/DISMISSAL PRIOR TO FINAL HEARING**

Report the number of applications for commitment orders and applications for modification orders that were dismissed before the final hearing was held. This includes, but may not be limited to discharge before probable cause hearing, release at probable cause hearing, dismissal due to change of status to voluntary status before a final commitment. In these cases, no commitment order or modification order is issued.

**Line 5. FINAL COMMITMENT HEARINGS HELD**

Report the number of cases in which a final hearing for court-ordered mental health services was held pursuant to Section 574.034 of the Health and Safety Code. Include cases in which a proposed patient waived an appearance or waives the right of cross-examination at the hearing.

**Line 6. DISPOSITION AT FINAL HEARING**

**a. DENIED (RELEASE)**

Report the number of cases in which a proposed patient was released after a final hearing upon a determination that the proposed patient did not meet criteria for commitment (no commitment order or modification order was issued).

**b. GRANTED (COMMIT)**

Report the number of cases in which a proposed patient, after a final hearing, was ordered to receive court-ordered temporary or extended mental health services. Report information for inpatient services (pursuant to Section 574.034(a) of the Health and Safety Code) and outpatient services (pursuant to Section 574.034(b) of the Health and Safety Code) separately.

**Line 7. NEW APPLICATIONS FILED**

Report the number of applications for orders to authorize, reauthorize, or modify the administration of psychoactive medications filed during the month.

**Line 8. DISMISSAL PRIOR TO HEARING**

Report the number of applications for orders to authorize, reauthorize, or modify the administration of psychoactive medications that were dismissed before the hearing was held.

**Line 9. HEARINGS HELD**

Report the number of cases in which a hearing for an order to authorize, reauthorize or modify the administration of psychoactive medications was held pursuant to Section 574.106 of the Health and Safety Code. Include cases in which a proposed patient waived an appearance or waives the right of cross-examination at the hearing.

**Line 10. DISPOSITION AT HEARING**

**a. DENIED**

Report the number of cases in which the court denied the application to authorize, reauthorize or modify the administration of psychoactive medications.

**b. GRANTED**

Report the number of cases in which the court issued an order authorizing, reauthorizing or modifying the administration of psychoactive medications.

# APPENDIX<sup>1</sup>

## OFFICIAL COUNTY COURT MONTHLY REPORT

### Criminal Case-Type Categories for Various Misdemeanor Offenses

MA = Class A Misdemeanor  
 MB = Class B Misdemeanor

MC = Class C Misdemeanor  
 + = Penalty is enhanced

<u>OFFENSE</u>	<u>PENAL CODE SECTION<sup>1</sup></u>	<u>PENALTY</u>	<u>CASE-TYPE CATEGORY</u>
ACCIDENT REPORT INFORMATION AND OTHER INFORMATION FOR PECUNIARY GAIN, USE OF	38.18	MB	Other Misdemeanor
ADVERTISING FOR PLACEMENT OF CHILD	25.09	MA	Other Misdemeanor
AIRBAGS – MAKE / SELL COUNTERFEIT OR INTENTIONALLY ALTER	TRC 547.614	MA	Other Misdemeanor
ALCOHOLIC BEVERAGE IN MOTOR VEHICLE, POSSESSION OF	49.031	MC	Other Misdemeanor
AMUSEMENT RIDE, ASSEMBLING OR OPERATING WHILE INTOXICATED	49.065	MB	Other Misdemeanor
ANIMALS, CRUELTY TO NON-LIVESTOCK Failure to provide food, care & shelter	42.092	MA	Other Misdemeanor
ASSAULT Against elderly or disabled	22.01	MA	Assault - Other
Bodily injury	22.01	MA	Assault - Other
Against sports participant	22.01	MB	Assault - Other
Offensive contact	22.01	MC	Assault - Other
Threat	22.01	MC	Assault - Other
ASSISTANCE ANIMAL, ATTACK ON	42.091	MA	Other Misdemeanor
ATHLETE, ILLEGAL RECRUITMENT OF Value of benefit less than \$1,500	32.441	MC-MA	Other Misdemeanor
ATTEMPT, CRIMINAL Attempted state jail felony	15.01	MA	Other Misdemeanor
Attempted Class A misdemeanor	15.01	MB	Other Misdemeanor
Attempted Class B misdemeanor	15.01	MC	Other Misdemeanor
BAD CHECK, ISSUANCE OF Ordinary	32.41	MC	Theft by Check
For court-ordered child support	32.41	MB	Theft by Check
BAIL JUMPING AND FAILURE TO APPEAR Generally	38.10	MA	Other Misdemeanor
Underlying offense punishable by fine only	38.10	MC	Other Misdemeanor
BARRATRY AND SOLICITATION OF PROFESSIONAL EMPLOYMENT	38.12	MA	Other Misdemeanor
BOATING WHILE INTOXICATED	49.06	MB	Other Misdemeanor
BURGLARY Coin-operated machine	30.03	MA	Other Misdemeanor
Vehicle	30.04	MA	Other Misdemeanor
CHILD, LEAVING IN A VEHICLE	22.10	MC	Other Misdemeanor
CIGARETTES, PROHIBITIONS RELATING TO CERTAIN	48.015	MA	Other Misdemeanor
CIVIL PROCESS, PREVENTING EXECUTION OF	38.16	MC	Other Misdemeanor

<sup>1</sup> All references are to Penal Code unless otherwise noted.

<u>OFFENSE</u>	<u>PENAL CODE SECTION<sup>1</sup></u>	<u>PENALTY</u>	<u>CASE-TYPE CATEGORY</u>
CIVIL RIGHTS OF PERSON IN CUSTODY, VIOLATIONS OF	39.04	MA	Other Misdemeanor
COMPUTER SECURITY, BREACH OF			
Ordinary	33.02	MB	Other Misdemeanor
Harmful access: less than \$1,500 damage & one or no prior conviction	33.02	MA	Other Misdemeanor
CONSPIRACY, CRIMINAL <sup>ii</sup>			
To commit state jail felony	15.02	MA	Other Misdemeanor
CORPSE, ABUSE OF	42.08	MA	Other Misdemeanor
CREDIT CARD TRANSACTION RECORD LAUNDERING			
Sale less than \$1,500	32.35	MC-MA	Other Misdemeanor
CRIMINAL INSTRUMENT, UNLAWFUL USE OF			
Possession with intent to use in commission of offense	16.01	One category lower than object offense	Other Misdemeanor
CRIMINAL MISCHIEF			
Interruption or diversion of public utilities	28.03	MA	Other Misdemeanor
Pecuniary loss less than \$1,500	28.03	MC-MA	Other Misdemeanor
CRIMINAL SIMULATION	32.22	MA	Other Misdemeanor
CRUELTY TO ANIMALS (1 <sup>st</sup> or 2 <sup>nd</sup> conviction)	42.09	MA	Other Misdemeanor
DANGEROUS DRUG, POSSESSION OF	HSC 483.041	MA	Drug Offenses - Other
DEADLY CONDUCT (Ordinary)	22.05	MA	Assault - Other
DECEPTIVE BUSINESS PRACTICE			
Specified categories	32.42	MA	Other Misdemeanor
With intent or prior conviction (limited to specified categories)	32.42	MA	Other Misdemeanor
With criminal negligence and no prior conviction (limited to specified categories)	32.42	MC	Other Misdemeanor
DECEPTIVE PREPARATION AND MARKETING OF ACADEMIC PRODUCT	32.50	MC	Other Misdemeanor
DISORDERLY CONDUCT			
Abusive language	42.01	MC	Other Misdemeanor
Creating unreasonable odor	42.01	MC	Other Misdemeanor
Discharging firearm in a public place	42.01	MB	Other Misdemeanor
Displaying firearm in public place in alarming manner	42.01	MB	Other Misdemeanor
Exposure of anus or genitals, reckless	42.01	MC	Other Misdemeanor
Fighting in public	42.01	MC	Other Misdemeanor
Looking into dwelling, public restroom or hotel guest room, lewd purpose	42.01	MC	Other Misdemeanor
Offensive abuse or threats	42.01	MC	Other Misdemeanor
Offensive gesture or display	42.01	MC	Other Misdemeanor
Unreasonable noise	42.01	MC	Other Misdemeanor
DISRUPTING MEETING OR PROCESSION	42.05	MB	Other Misdemeanor
DOCUMENT, SECURING EXECUTION OF BY DECEPTION			
Value of property, service or pecuniary interest Less than \$1,500	32.46	MC-MA	Other Misdemeanor
DOG FIGHTING			
Owns/trains dog or is a spectator	42.10	MA	Other Misdemeanor

<u>OFFENSE</u>	<u>PENAL CODE SECTION<sup>1</sup></u>	<u>PENALTY</u>	<u>CASE-TYPE CATEGORY</u>
DRIVING COMMERCIAL MOTOR VEHICLE IN VIOLATION OF OUT-OF-SERVICE ORDER	TRC 522.071	M*	Traffic
Employer responsibility	TRC 522.072	MB	Traffic
DRIVING WHILE INTOXICATED			
(includes driving under influence of drugs)	49.04	MB	D.W.I. – First Offense
Prior conviction	49.09	MA	D.W.I. – Second Offense
DRIVING WHILE LICENSE INVALID			
Previous conviction / suspension	TRC 521.457	MB	DWLS/DWLI
And operating vehicle in violation of motor vehicle liability requirement	TRC 521.457	MB	DWLS/DWLI
And caused/was at fault in accident resulting in serious bodily injury or death of another person	TRC 521.457	MA	DWLS/DWLI
DRUG PARAPHERNALIA, POSSESSION OR DELIVERY OF	HSC 481.125	MC-MA	Drug Offenses - Other
EMERGENCY TELEPHONE CALL, INTERFERENCE WITH	42.062	MA	Other Misdemeanor
EMPLOYMENT HARMFUL TO CHILDREN	43.251	MA	Other Misdemeanor
ENTICING A CHILD (Ordinary)	25.04	MB	Other Misdemeanor
ESCAPE			
Ordinary	38.06	MA	Other Misdemeanor
Permitting or facilitating	38.07	MA	Other Misdemeanor
EVADING ARREST OR DETENTION (Ordinary)	38.04	MB	Other Misdemeanor
FAILURE TO IDENTIFY	38.02	MC-MA	Other Misdemeanor
FAILURE TO PROVIDE NOTICE AND REPORT OF DEATH OF RESIDENT OF INSTITUTION	38.19	MB	Other Misdemeanor
FAILURE TO REPORT FELONY (involving serious bodily injury or death)	38.171	MA	Other Misdemeanor
FAILURE TO REPORT DEATH OF PRISONER	39.05	MB	Other Misdemeanor
FAILURE TO STOP OR REPORT AGGRAVATED SEXUAL ASSAULT OF CHILD	38.17	MA	Other Misdemeanor
FALSE ALARM OR REPORT (Ordinary)	42.06	MA	Other Misdemeanor
FALSE IDENTIFICATION AS PEACE OFFICER; MISREPRESENTATION OF PROPERTY	37.12	MB	Other Misdemeanor
FALSE INFORMATION / STATEMENT TO METAL RECYCLER	OC 1956.040	MA	Other Misdemeanor
FALSE REPORT			
To law enforcement personnel	37.08	MB	Other Misdemeanor
Regarding missing child or missing person	37.081	MC	Other Misdemeanor
FALSE STATEMENT TO OBTAIN PROPERTY OR CREDIT Value of credit or property less than \$1,500	32.32	MC-MA	Other Misdemeanor
FIDUCIARY PROPERTY OR PROPERTY OF FINANCIAL INSTITUTION, MISAPPLICATION OF Value less than \$1,500	32.45	MC-MA	Other Misdemeanor



<u>OFFENSE</u>	<u>PENAL CODE SECTION<sup>1</sup></u>	<u>PENALTY</u>	<u>CASE-TYPE CATEGORY</u>
FINANCING STATEMENT, FRAUDULENT FILING OF			
Contains a material false statement	37.101	MA	Other Misdemeanor
Is groundless	37.101	MA	Other Misdemeanor
FIREARM			
Discharge of in certain municipalities	42.12	MA	Other Misdemeanor
Making accessible to child			
Ordinary	46.13	MC	Other Misdemeanor
Causes death/serious bodily injury to child/another person	46.13	MA	Other Misdemeanor
Unlawful possession of			
By person convicted of Class A misdemeanor involving person's family or household	46.04	MA	Other Misdemeanor
By employee of state agency or political subdivision subject to order under Sec. 6.504 or Ch. 85, Family Code Art. 17.292 of Code of Criminal Procedure, or Ch. 88 of Family Code	46.04	MA	Other Misdemeanor
FLAG, DESTRUCTION OF	42.11	MA	Other Misdemeanor
FLYING WHILE INTOXICATED	49.05	MB	Other Misdemeanor
FORGERY (Ordinary)	32.21	MA	Other Misdemeanor
FUNERAL DISRUPTION			
Within 1,000 ft. of cemetery/facility	42.055	MB	Other Misdemeanor
GAMBLING			
Ordinary	47.02	MC	Other Misdemeanor
Communicating gambling information	47.05	MA	Other Misdemeanor
Keeping place of	47.04	MA	Other Misdemeanor
Possession of gambling device, equipment, or paraphernalia	47.06	MA	Other Misdemeanor
Promotion	47.03	MA	Other Misdemeanor
GIFT TO PUBLIC SERVANT, OFFERING			
Ordinary	36.09	MA	Other Misdemeanor
By person subject to his/her jurisdiction	36.08	MA	Other Misdemeanor
GOVERNMENTAL RECORD, TAMPERING WITH			
Establishing residency of student in school district	37.10	MC	Other Misdemeanor
Ordinary	37.10	MA	Other Misdemeanor
Presents or uses record	37.10	MB	Other Misdemeanor
Written appraisal	37.10	MB	Other Misdemeanor
GRAFFITI			
Loss less than \$1,500	28.08	MB-MA	Other Misdemeanor
HANDGUN, UNLAWFUL CARRYING OF BY LICENSE HOLDER	46.035	MA	Other Misdemeanor
HARASSMENT	42.07	MB	Other Misdemeanor
Prior conviction	42.07	MA	Other Misdemeanor
HARMFUL MATERIAL—SALE, DISTRIBUTION, OR DISPLAY OF TO MINOR (Ordinary)	43.24	MA	Other Misdemeanor
HINDERING APPREHENSION OR PROSECUTION	38.05	MA	Other Misdemeanor
HINDERING PROCEEDINGS BY DISORDERLY CONDUCT	38.13	MA	Other Misdemeanor
HINDERING SECURED CREDITORS			
Less than \$1,500	32.33	MC-MA	Other Misdemeanor

<u>OFFENSE</u>	<u>PENAL CODE SECTION<sup>1</sup></u>	<u>PENALTY</u>	<u>CASE-TYPE CATEGORY</u>
HOAX BOMBS	46.08	MA	Other Misdemeanor
HONORARIUM, ACCEPTANCE OF	36.07	MA	Other Misdemeanor
HUMAN ORGANS, PURCHASE OR SALE OF	48.02	MA	Other Misdemeanor
IDENTIFICATION NUMBERS, TAMPERING WITH	31.11	MA	Other Misdemeanor
IMPROPER INFLUENCE	36.04	MA	Other Misdemeanor
INDECENT EXPOSURE (Ordinary)	21.08	MB	Other Misdemeanor
INSTRUMENTS USED TO COMMIT RETAIL THEFT— POSSESSION, MANUFACTURE, OR DISTRIBUTION OF CERTAIN	31.15	MA	Other Misdemeanor
INSURANCE FRAUD Value of claim less than \$1,500	35.02	MC-MA	Other Misdemeanor
INTERFERENCE WITH PUBLIC DUTIES	38.15	MB	Other Misdemeanor
LASER POINTER, IMPAIR AIRCRAFT OPERATOR WITH	42.14	MA	Other Misdemeanor
LEGAL PROCESS, SIMULATING	32.48	MA	Other Misdemeanor
MARIJUANA Delivery 1/4 ounce or less	HSC 481.120	MB-MA	Drug Offenses - Marijuana
Possession 2 to 4 ounces	HSC 481.121	MB-MA	Drug Offenses - Marijuana
MISCELLANEOUS SUBSTANCES, POSSESSION OF (not listed in a Penalty Group)	HSC 481.119	MB-MA	Drug Offenses - Other
MOTOR VEHICLE, FRAUDULENT TRANSFER OF A Under subsection (b)(4)	32.34	MA	Other Misdemeanor
MULTICHANNEL VIDEO OR INFORMATION SERVICES DEVICE Manufacture, distribution, or advertisement of	31.13	MA	Other Misdemeanor
Sale or lease of	31.14	MA	Other Misdemeanor
Theft of or tampering with For remuneration	31.12	MA	Other Misdemeanor
Ordinary	31.12	MC	Other Misdemeanor
Prior conviction	31.12	MB	Other Misdemeanor
Two prior convictions	31.12	MA	Other Misdemeanor
9-1-1 SERVICE, SILENT OR ABUSIVE CALLS TO	42.061	MB	Other Misdemeanor
OBSCENE DISPLAY OR DISTRIBUTION	43.22	MC	Other Misdemeanor
OBSCENITY Promotes obscene material/device	43.23	MA+	Other Misdemeanor
Produces/presents/participates in obscene performance	43.23	MA+	Other Misdemeanor
OBSTRUCTING HIGHWAY OR OTHER PASSAGEWAY	42.03	MB	Other Misdemeanor
OFFICIAL CAPACITY, ABUSE OF Law violation	39.02	MA	Other Misdemeanor
Misuse of government property Less than \$1,500	39.02	MC-MA	Other Misdemeanor

<u>OFFENSE</u>	<u>PENAL CODE SECTION<sup>1</sup></u>	<u>PENALTY</u>	<u>CASE-TYPE CATEGORY</u>
OFFICIAL INFORMATION, MISUSE OF Coerces another to suppress/fail to report information to law enforcement	39.06	MC	Other Misdemeanor
OFFICIAL OPPRESSION	39.03	MA	Other Misdemeanor
ORGANIZED CRIMINAL ACTIVITY Conspiracy Misdemeanor	71.02	Same as offense conspired to commit	Other Misdemeanor
Crime committed Misdemeanor	71.02	One degree higher than crime committed	Other Misdemeanor
Violation of court order enjoining organized criminal activity	71.021	MA	Other Misdemeanor
PERJURY	37.02	MA	Other Misdemeanor
PHYSICAL EVIDENCE, TAMPERING WITH OR FABRICATING Failure to report location of dead body	37.09	MA	Other Misdemeanor
POLICE SERVICE ANIMALS, INTERFERENCE WITH Taunts, torments, or strikes animal	38.151	MC	Other Misdemeanor
Throws object or substance at animal	38.151	MB	Other Misdemeanor
Interferes with/obstructs animal or handler/rider	38.151	MA	Other Misdemeanor
Releases animal from its area of control	38.151	MA	Other Misdemeanor
Enters area of control without consent of handler/rider	38.151	MA	Other Misdemeanor
POSSESSION OR TRANSPORT OF CERTAIN CHEMICALS WITH INTENT TO MANUFACTURE CONTROLLED SUBSTANCE (not listed in Penalty Group)	HSC 481.124	MA	Drug Offenses - Other
PROSTITUTION Ordinary Without prior conviction	43.02	MB	Other Misdemeanor
With one or two prior convictions	43.02	MA	Other Misdemeanor
Promotion of	43.03	MA	Other Misdemeanor
PROTECTIVE ORDER OR MAGISTRATE'S ORDER, VIOLATION OF Ordinary	25.07	MA	Other Misdemeanor
Preventing offense caused by bias or prejudice	25.071	MA	Other Misdemeanor
PROTECTIVE ORDER ISSUED ON BASIS OF SEXUAL ASSAULT, VIOLATION OF	38.112	MA	Other Misdemeanor
PUBLIC COMMUNICATIONS, NOT SCRAMBLED OR ENCRYPTED—ILLEGAL DIVULGENCE OF Communication not public land mobile radio or paging service	16.05	MA	Other Misdemeanor
Communication public land mobile radio or paging service	16.05	MC	Other Misdemeanor
PUBLIC INTOXICATION	49.02	MC	Other Misdemeanor
PUBLIC LEWDNESS	21.07	MA	Other Misdemeanor
PUBLIC SERVANT OR VOTER, COERCION OF	36.03	MA	Other Misdemeanor
RAILROAD PROPERTY, INTERFERENCE WITH Throws object/discharges firearm or weapon at train or rail-mounted work equipment (no bodily injury)	28.07	MB	Other Misdemeanor
Enters/remains on property without consent	28.07	MC	Other Misdemeanor
Tampers with railroad property; places obstruction on track			

<u>OFFENSE</u>	<u>PENAL CODE SECTION<sup>1</sup></u>	<u>PENALTY</u>	<u>CASE-TYPE CATEGORY</u>
or right-of-way; or causes derailment			
No pecuniary loss	28.07	MC	Other Misdemeanor
Pecuniary loss \$20 or more but less than \$1,500	28.07	MB-MA	Other Misdemeanor
RECKLESS DAMAGE OR DESTRUCTION	28.04	MC	Other Misdemeanor
REFUSING TO RELEASE FALSE LIEN OR CLAIM	32.49	MA	Other Misdemeanor
RESISTING ARREST, SEARCH, OR TRANSPORTATION	38.03	MA	Other Misdemeanor
RESTRAINT, UNLAWFUL (Ordinary)	20.02	MA	Other Misdemeanor
RIGGING PUBLICLY EXHIBITED CONTEST	32.44	MA	Other Misdemeanor
RIOT			
Ordinary	42.02	MB	Other Misdemeanor
Same penalty as			
Offense during riot	42.02	offense committed	Other Misdemeanor
RUNAWAY CHILD, HARBORING	25.06	MA	Other Misdemeanor
SMOKING TOBACCO IN CERTAIN PUBLIC PLACES	48.01	MC	Other Misdemeanor
STOLEN CHECK OR SIMILAR SIGHT ORDER, STEALING OR RECEIVING	32.24	MA	Other Misdemeanor
SUICIDE, AIDING (Ordinary)	22.08	MC	Other Misdemeanor
TELECOMMUNICATIONS ACCESS DEVICE, PUBLICATION OF	33A.05	MA	Other Misdemeanor
TELECOMMUNICATIONS SERVICE			
Theft of			
Value less than \$1,500	33A.04	MB-MA	Theft
Less than \$500 but with prior computer crimes conviction	33A.04	MA	Theft
Unauthorized use of			
Value less than \$1,500	33A.02	MB-MA	Theft
Value less than \$500 but with prior computer crimes conviction	33A.02	MA	Theft
TERRORISTIC THREAT			
Causing emergency agency to react	22.07	MB	Other Misdemeanor
Interrupting occupation of facility	22.07	MA	Other Misdemeanor
Placing person in fear of serious bodily injury	22.07	MB	Other Misdemeanor
THEFT			
By check			
Less than \$500	31.03	MC-MB	Theft by Check
Driver's license, commercial driver's license or personal identification	31.03	MB	Theft or Worthless Checks
Value of ordinary property			
Less than \$1,500	31.03	MC-MA	Theft by Check
<i>NOTE: The degree of offense is increased to the next higher category if: a) the actor was a public servant, or b) the actor was in a contractual relationship with government and the property came into possession through a contractual relationship.</i>			
Value of service			
Less than \$1,500	31.04	MC-MA	Theft
TRACKING DEVICE, UNLAWFUL INSTALLATION OF	16.06	MA	Other Misdemeanor
TRADEMARK COUNTERFEITING			
Less than \$1,500	32.23	MC-MA	Other Misdemeanor
TRAFFIC OFFENSES	Title 7,	MC-MA	Traffic
Misdemeanor	Transportation Code		

<u>OFFENSE</u>	<u>PENAL CODE SECTION<sup>1</sup></u>	<u>PENALTY</u>	<u>CASE-TYPE CATEGORY</u>
TRESPASS, CRIMINAL			
Agricultural land	30.05	MC	Other Misdemeanor
Habitation, shelter center, Superfund site, or critical infrastructure facility	30.05	MA	Other Misdemeanor
Ordinary	30.05	MB	Other Misdemeanor
Deadly weapon carried	30.05	MA	Other Misdemeanor
By holder of license to carry concealed handgun	30.06	MA	Other Misdemeanor
UNAUTHORIZED PRACTICE OF LAW	38.123	MA	Other Misdemeanor
UNLAWFUL ACCESS TO STORED COMMUNICATIONS	16.04	MA	Other Misdemeanor
VICTIM, IMPROPER CONTACT WITH	38.111	MA	Other Misdemeanor
VOLATILE CHEMICALS (including paint and glue), ABUSABLE			
Delivery to minor			
With sales permit	HSC 485.032	MB	Drug Offenses - Other
Sales tax permit only	HSC 485.032	MA	Drug Offenses - Other
Failure to post sign	HSC 485.034	MC	Drug Offenses - Other
Inhalant paraphernalia			
Possession	HSC 485.033	MB	Drug Offenses - Other
Deliver, sell, or possess or manufacture with intent to deliver or sell	HSC 485.033	MA	Drug Offenses - Other
Possession and use	HSC 485.031	MB	Drug Offenses - Other
Sale without permit	HSC 485.035	MB	Drug Offenses - Other
WEAPONS			
Prohibited			
Switchblade knife, knuckles	46.05	MA	Other Misdemeanor
Unlawful carrying			
Handgun, illegal knife or club (Ordinary)	46.02	MA	Other Misdemeanor
Unlawful transfer of certain weapons	46.06	MA	Other Misdemeanor
WRITING—FRAUDULENT DESTRUCTION, REMOVAL, OR CONCEALMENT OF (Ordinary)	32.47	MA	Other Misdemeanor

<sup>i</sup> Unless otherwise noted, all code sections refer to the Penal Code. "HSC" refers to the Health and Safety Code. OC refers to the Occupational Code.  
<sup>ii</sup> Conspiracy charges will be stated in an indictment or information as an **agreement** to commit some other crime such as murder, kidnapping, delivery of a controlled substance, etc.

Excel file with Department of Public Safety offense codes categorized by OCA case categories available at:  
<http://www.courts.state.tx.us/oca/required/asp>