

**OFFICE OF COURT ADMINISTRATION
TEXAS JUDICIAL COUNCIL**



**OFFICIAL STATUTORY 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 district and/or county clerk to submit a monthly activity report concerning the criminal, civil, family law juvenile, probate and mental health cases in the county's statutory county courts (county courts at law, statutory probate courts, county criminal courts, county criminal courts at law, county criminal courts of appeals, and county civil courts at law).

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 Statutory 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 district and/or county clerk for a period of **at least two years** and to be made available to the public for inspection and reproduction.

GENERAL INSTRUCTIONS

A separate report may be submitted for each statutory county court or a single report may be submitted showing the combined activity of all the statutory county courts in the county. OCA prefers that one report—combining the activity of all statutory county courts serving the county—be submitted per month.

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 statutory 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.*

NOTES:

- *These cases are reported under the same case category reported when the original petition or motion was filed.*
- *These cases are reported even if they were also disposed during the month.*

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.

Line 7 minus the sum of Lines 8 & 9 = Line 10a

Line 10b. Inactive Cases

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

Line 1b minus Line 5 plus Line 9 = 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.**

See page 13 for examples.

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 are 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—FELONIES

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 indictment or information.

1. If a single indictment or information names more than one defendant, it is counted as more than one case. For instance, if three defendants are named in one indictment, count this as three cases.
2. If the same defendant is charged in more than one indictment or information, it is counted as more than one case. For instance, if the same person is named in four separate indictments, count this as four cases.
3. Finally, if an indictment or information contains more than one count (Section 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 15 categories for the reporting of felony 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 to report a case.

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

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. **SEXUAL ASSAULT OF AN ADULT:** An offense under Penal Code Section 22.011 (Sexual Assault) or 22.021 (Aggravated Sexual Assault) where the victim is an adult (17 years or older).
6. **INDECENCY WITH OR SEXUAL ASSAULT OF A CHILD:** An offense under Penal Code Section 22.011 (Sexual Assault) or 22.021 (Aggravated Sexual Assault) where the victim is a child (younger than 17 years); an offense under Section 21.02 (Continuous Sexual Abuse of Young Child or Children); an offense under Section 21.11 (Indecency with a Child); or an offense under Section 21.12 (Improper Relationship Between Educator and Student).
7. **FAMILY VIOLENCE ASSAULT:** A **felony** offense under Penal Code Section 22.01(b)(2) 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. **AGGRAVATED ROBBERY OR ROBBERY:** An offense under Penal Code Section 29.03 (Aggravated Robbery) or 29.02 (Robbery).
9. **BURGLARY:** A **felony** offense under Penal Code Section 30.02 (Burglary) or 30.04 (Burglary of Vehicles).
10. **THEFT:** A **felony** offense under Chapter 31 of the Penal Code, **except** when the property involved is a motor vehicle; or a **felony** offense under Penal Code Section 31.16 (Organized Retail Theft), 32.31 (Credit Card Abuse or Debit Card Abuse), or 33A.04 (Theft of Telecommunications Service).
11. **AUTOMOBILE THEFT:** A **felony** 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).
12. **DRUG SALE OR MANUFACTURE:** A **felony** offense under the Texas Controlled Substances Act (Ch. 481, Health and Safety Code) or the Texas Dangerous Drugs Act (Ch. 483, Health and Safety Code) for the manufacture, delivery, sale, or possession with intent to deliver or sell a drug or controlled substance.
13. **DRUG POSSESSION:** A **felony** offense for possession under the Texas Controlled Substances Act (Ch. 481, Health and Safety Code) or the Texas Dangerous Drugs Act (Ch. 483, Health and Safety Code), other than possession with intent to deliver or sell.
14. **FELONY D.W.I.:** A **felony** 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.
15. **OTHER FELONIES:** A **felony** offense not clearly identifiable as belonging in one of the preceding categories, including cases previously categorized as forgery.

This section of the monthly report is designed to collect information concerning the felony case activity in the county courts at law. The **CRIMINAL SECTION—FELONIES** 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 criminal 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 9a and 9b) 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.

“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. ORIGINAL CASES FILED BY INDICTMENT OR INFORMATION

Report the number of new felony cases filed by indictment or information¹ for each criminal category. Include all new cases filed during the month, even if they also were disposed of this month.

Line 3. 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 appear** or 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 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.

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 5. ALL OTHER CASES ADDED

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

- Cases returned from TDCJ for consideration of shock probation;
- Cases in which a motion for new trial has been granted;

¹ An *information* results in a felony case when a waiver of indictment by the grand jury is filed and there is no indictment.

- Cases transferred from another county on change of venue; and
- Cases remanded from a higher court.

Do **not** include competency hearings, which should be reported on Line 24, *Competency Hearings Held*.

NOTES:

- *These cases are reported under the same case category reported when the original petition or motion was filed.*
- *These cases are reported even if they were also disposed during the month.*

Line 6. TOTAL CASES ON DOCKET

The sum of active cases pending at the beginning of the month; original cases filed by indictment or information; motions to revoke probation, community supervision or deferred adjudication filed; cases reactivated; and all other cases added equals **Total Cases on Docket**.

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

Line 7. 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 17 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:

- 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 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.

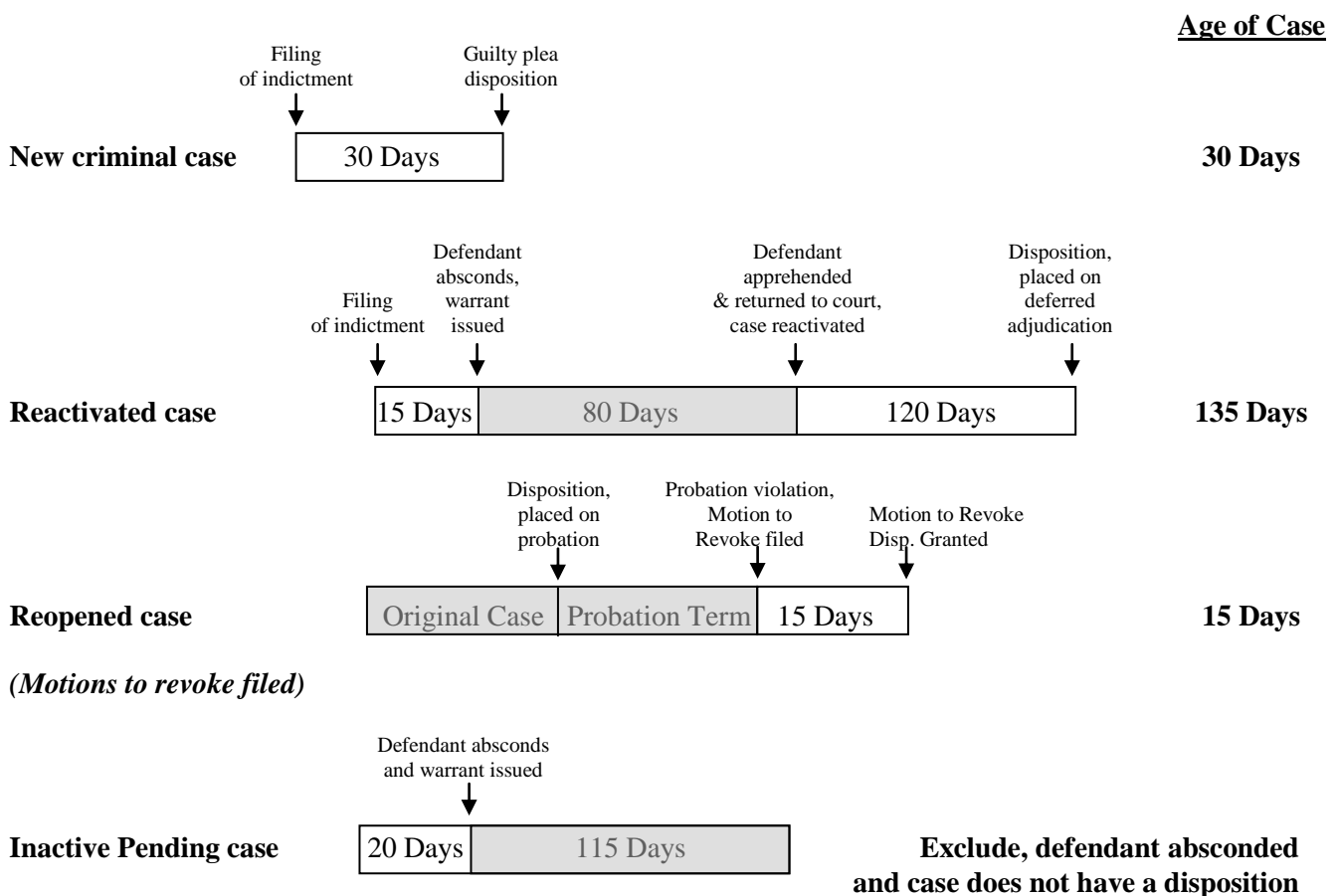
Line 1b minus Line 4 plus Line 8 = Line 9b

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 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 felony 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.** For instance:

- *Capital murder reduced to murder is reported as capital murder;*
- *Robbery reduced to assault is reported as robbery;*
- *Burglary reduced to theft is reported as burglary;*
- *Drug sale reduced to drug possession is reported as drug sale; or*
- *Defendant indicted on a felony charge is convicted of a misdemeanor.*

Line 11. CONVICTIONS

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

Line 11a. 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 11b. 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 11c. By the Jury

Report the number of cases in which the defendant pled not guilty and was tried and **found guilty by a jury** (whether or not the sentence was imposed by the jury or the judge).

Line 12. 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 15b, ***Motions to Revoke Denied/Probation Continued.***

Line 13. ACQUITTALS

Line 13a. By the Court

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

Line 13b. By the Jury

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

Line 14. 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; and
- 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 15. 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**.

Note: Report the disposition of a motion to appear in either Line 15a or 15b depending on the outcome.

Line 16. ALL OTHER DISPOSITIONS

Report all dispositions not clearly identifiable in any of the preceding categories. Examples include:

- transfers on change of venue to a district court in **another** county;
- transfers to county-level courts in your county when the case is reduced to a misdemeanor; and
- shock probations—cases in which the defendant is placed on probation following his return

- from shock commitment to the Texas Department of Criminal Justice;
- orders placing a defendant's supervision in abeyance; and
- admissions of unadjudicated offense (Penal Code, Sec. 12.45).

Line 17. TOTAL CASES DISPOSED

Enter the sum of Lines 11 through 16 under each category. These totals should be the same as those reported on Line 7, *Total Cases Disposed*.

SUPPLEMENTAL INFORMATION

**Line 18. CASES IN WHICH DEATH PENALTY SOUGHT and
Line 19. CASES IN WHICH DEATH PENALTY NOT SOUGHT**

For the capital murder cases reported **disposed of by conviction, deferred adjudication, acquittal, or dismissal** during the month, indicate the number of cases in which the death penalty was sought and the number of cases in which it was not sought.

Line 20. SENTENCING INFORMATION

For the cases reported as convictions in Lines 11 a through c, indicate the number of cases in which the defendants were sentenced to:

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

Each case should be reported in the same case category as the original charge. For example, a case in which a capital murder charge was reduced to murder should be reported under the capital murder case category.

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 and in felony 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 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 30th 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., 1st 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. **INJURY OR DAMAGE—MEDICAL MALPRACTICE:** Cases that allege misconduct or negligence by a person or entity in the medical profession (doctors, nurses, physician assistants, dentists, etc. and their firms: hospitals, nursing homes, etc.) acting in a professional capacity, thereby causing physical or financial harm.
3. **INJURY OR DAMAGE—OTHER PROFESSIONAL MALPRACTICE:** Cases that allege misconduct or negligence by a person or entity not in the medical profession (lawyers, accountants, architects, etc. and their firms) acting in a professional capacity, thereby causing physical or financial harm.
4. **INJURY OR DAMAGE—PRODUCT LIABILITY—ASBESTOS/SILICA:** Cases involving the alleged responsibility of the manufacturer or seller for an injury caused to a person or property by exposure to, or ingestion of, asbestos or silica or an alleged breach of duty to provide suitable instructions to prevent injury.
5. **INJURY OR DAMAGE—OTHER PRODUCT LIABILITY:** All other cases, not involving asbestos or silica, involving the alleged responsibility of the manufacturer or seller of an article for an injury caused to a person or property by a defect in, or the condition of, the article sold or an alleged breach of duty to provide suitable instructions to prevent injury.
6. **OTHER INJURY OR DAMAGE:** All other cases not falling into categories 1 through 5 above 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.
7. **REAL PROPERTY—EMINENT DOMAIN:** Suits by a unit of government or a corporation with the power of eminent domain for the taking of private land for public use; or cases in which a property owner challenges the amount of remuneration offered by the government for the taking of a parcel of land.
8. **OTHER REAL PROPERTY:** All other cases involving real property. Examples include disputes over the ownership, use, boundaries, or value of real property, including trespass to try title.
9. **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, fraud, notes, sworn accounts, debts, and assignment of creditors.
10. **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), landlord/tenant disputes, mortgage foreclosures, home owners' association disputes, etc.
11. **CIVIL CASES RELATING TO CRIMINAL MATTERS:** All civil cases associated with criminal matters, including bond forfeiture, expunction, nondisclosure, occupational license, seizure and forfeiture, contempt (in criminal cases only), extradition, and writ of habeas corpus (in criminal cases only) cases.
12. **OTHER CIVIL CASES:** All non-tax civil cases not clearly identifiable as belonging in one of the preceding categories. Include cases appealing the finding of a department or administrative agency (e.g., workers' compensation, business dissolution, liquor license appeal, etc.).
13. **TAX CASES:** Suits brought by governmental taxing entities against an individual or business for the collection of taxes.

This section of the monthly report is designed to report information concerning the civil case activity of the county courts at law. 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 that were classified as inactive and had not yet been disposed of;
- 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 that had previously been reported as disposed of is reinstated to the court’s active docket;
- (3) a case is transferred from another county on change of venue;
- (4) a case that had previously been reported as disposed of is remanded from a higher court;
- (5) a severance is ordered which splits one case into two or more cases;
- (6) a writ of garnishment is docketed;
- (7) a bill of review is docketed (with a new case number);
- (8) a petition for writ of sequestration is filed;

- (9) a petition for declaratory judgment is filed;
- (10) a motion for a turnover order is filed; and
- (11) 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.

NOTES:

- *These cases are reported under the same case category reported when the original petition or motion was filed.*
- *These cases are reported even if they were also disposed during the month.*

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.

Line 6 minus the sum of Lines 7 & 8 = Line 9a

Line 9b. Inactive Cases

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

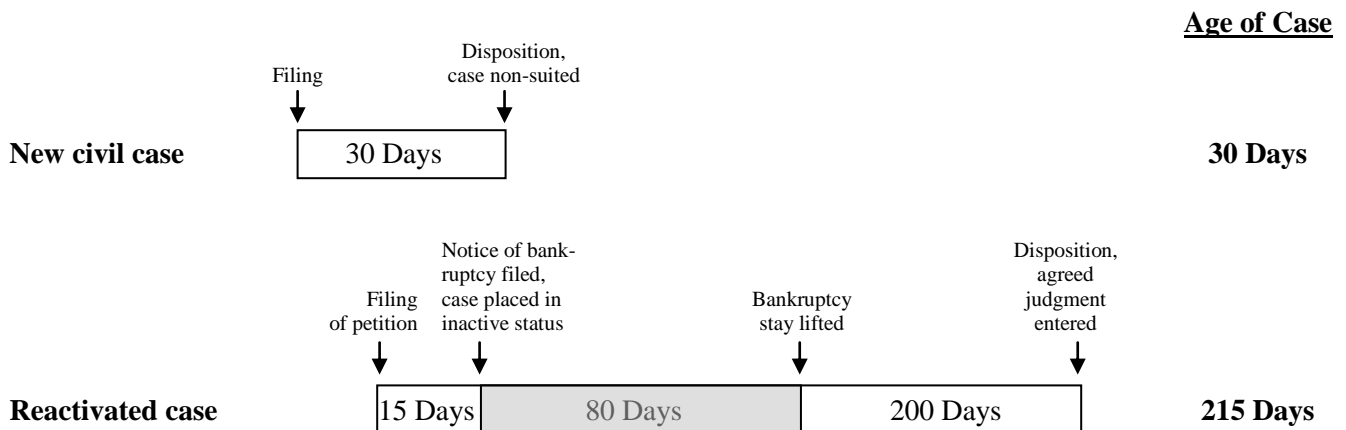
Line 1b minus Line 4 plus Line 8 = Line 9b

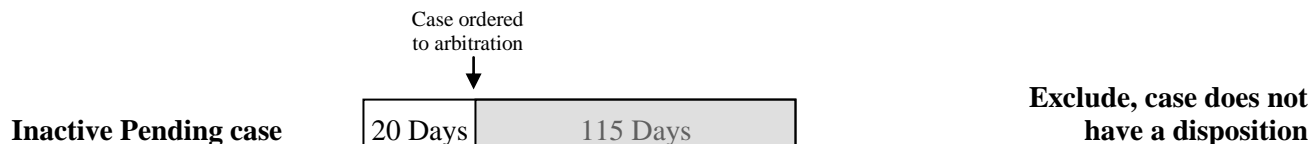
Line 10. AGE OF CASES DISPOSED

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.

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.**

FAMILY LAW SECTION

Definition of Family Law Cases

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

1. An original petition is filed (no matter how many parties, children or causes of action are involved), or
2. A show cause motion, motion to modify, or similar motion is filed following entry of original judgment, or
3. Some other case is filed.

Family Law Case Type Categories

1. **DIVORCE—CHILDREN:** Suits brought by a party to a marriage to dissolve the marriage pursuant to Ch. 6, Family Code that also include a suit affecting the parent-child relationship due to the existence of children born or adopted of the marriage who are under 18 years of age or who are otherwise entitled to support as provided by Ch. 154, Family Code. Include petitions for annulment and petitions to declare a marriage void.
2. **DIVORCE—NO CHILDREN:** Suits brought by a party to a marriage to dissolve the marriage pursuant to Ch. 6, Family Code. Include petitions for annulment and petitions to declare a marriage void.
3. **PARENT-CHILD—NO DIVORCE:** Cases involving issues of custody, support, paternity, visitation (by parents, grandparents or other family members) that do not involve a current or previously decided divorce/marriage dissolution case. Include voluntary legitimation of paternity (Section 160.201, Family Code). **Do not include cases filed by the Title IV-D Agency (Office of Attorney General).**
4. **CHILD PROTECTIVE SERVICES:** Cases filed under Ch. 262 of the Family Code on behalf of the Department of Family and Protective Services; a motion in aid of investigation filed under Section 261.303 of the Family Code; or a motion to participate filed under Section 264.203 of the Family Code.
5. **TERMINATION OF PARENTAL RIGHTS:** Cases filed under Ch. 161 of the Family Code requesting that the court extinguish the legal relationship of parent and child. **NOTE:** If a case also includes a petition for adoption, do not report the case in this category; report the case under Adoption. If a case also includes a child protection matter (defined above), do not report the case in this category; report the case under Child Protection.
6. **ADOPTION:** Cases filed under Ch. 162 of the Family Code requesting the establishment of a new, permanent relationship of parent and child between persons not having that relationship naturally. Include gestation agreements. **NOTE:** Report all adoption cases here, whether or not they also include a petition for termination of parental rights.
7. **PROTECTIVE ORDERS—NO DIVORCE:** Cases filed under Ch. 82, Family Code, requesting an order designed to limit or eliminate contact between two or more family/household members or individuals involved in a dating relationship. **NOTES:** Report applications for protective orders filed in suits for dissolution of marriage under Protective Orders Signed (Line 24), if relevant. Report cases involving protective orders for victims of sexual assault (Art. 7A.01, Code of Criminal Procedure) under All Other Civil Cases in the CIVIL section. Report all protective orders **signed** in any type of case, including those mentioned above, under Protective Orders Signed (Line 24).
8. **TITLE IV-D—PATERNITY:** Cases filed by the Title IV-D Agency (Office of Attorney General) requesting a determination of parentage under Ch. 160, Family Code and the setting of a child support obligation. These cases may also involve custody and visitation issues. The pleading is most often styled *Petition to Establish the Parent-Child Relationship*.
9. **TITLE IV-D—SUPPORT ORDER:** Cases filed by the Title IV-D Agency (Office of Attorney General) requesting the setting of a child support obligation where the parentage of the child has been established by an Acknowledgment of Paternity or the child was born during the marriage. These cases may also involve custody and visitation issues. The pleading is most often styled *Suit Affecting the Parent-Child Relationship*.
10. **TITLE IV-D—UIFSA:** Cases filed by the Title IV-D Agency (Office of the Attorney General) seeking to establish a Texas child support order. The issue of paternity may be addressed. UIFSA cases are distinguished by the fact that not all parties reside in Texas. Issues of custody and visitation are not generally involved.

NOTES: Report suits or motions to enforce or modify a Texas or non-Texas order under Ch. 159, Family Code in *Post-Judgment Actions: Title IV-D*.

Report UIFSA suits not filed by the Title IV-D Agency under:

- *Parent-Child—No Divorce*, if the case does not involve a current or previously decided divorce/marriage dissolution case;
- *Post-Judgment Actions: Modification—Other*, if the case involves a previously decided divorce/marriage dissolution case and a modification is being sought; or
- *Post-Judgment Actions: Enforcement*, if the case involves a previously decided divorce/marriage dissolution case and an enforcement action is being sought.

If the suit is filed as part of a current divorce/marriage dissolution case, the UIFSA petition should not be counted.

11. **ALL OTHER FAMILY CASES:** Includes all cases filed under the Family Code that are not reported elsewhere, including, but not limited to:

- a. Judicial bypass of parental notification of abortion (Sec. 33.003, Family Code);
- b. Changes of name (Ch. 45, Family Code);
- c. Adult adoptions (Sec. 152.502, Family Code);
- d. Removal of disability of minority (Ch. 31, Family Code);
- e. Removal of disability of minority for marriage (Section 2.103, Family Code);
- f. Suits for parental liability for damages caused by conduct of child (Ch. 41, Family Code); and
- g. Suits for liability for interference with possession of a child (Ch. 42, Family Code).

Also include changes of information on birth certificate (Ch. 192, Health and Safety Code).

POST-JUDGMENT ACTIONS

1. **MODIFICATION—CUSTODY:** Post-judgment suits or motions filed pursuant to Subchapter B, Ch. 156, Family Code, for modification of an order that provides for the conservatorship of, possession of, or determination of residence of a child (e.g., motions to modify conservatorship (custody), motions to modify right to determine primary residence of child, motions for further orders of the court).
2. **MODIFICATION—OTHER:** Post-judgment suits or motions requesting modification of orders not involving custody of a child, including, but not limited to:
 - a. Suits filed pursuant to Subchapter B, Ch. 156, Family Code for modification of an order that provides for the access to a child (motions to modify visitation privileges; motions to modify rights, privileges and duties of conservator);
 - b. Suits filed pursuant to Subchapter C, Ch. 156, Family Code for modification of an order that provides for the support of a child (motions to modify or set child support; motions to terminate wage withholding; motions for further orders of the court); and
 - c. Suits filed pursuant to Section 8.057, Family Code for modification of an order that provides for spousal maintenance (petition to terminate/modify order/writ of income withholding).
3. **ENFORCEMENT:** Post-judgment suits or motions requesting the enforcement of a final order, including, but not limited to:
 - a. Motions filed pursuant to Ch. 157, Family Code to enforce a final order for conservatorship, child support, possession of or access to a child, property provisions, injunctions, or other provisions of a final order (e.g., motions for contempt; motions for enforcement of judgments or prior orders; motions to revoke community supervision/probation for failure to pay child support);
 - b. Suits to enforce a divorce or annulment decree filed pursuant to Ch. 9, Family Code (petition for enforcement of property division; petitions to divide assets not divided on divorce or annulment; post-decree qualified domestic relations orders); and
 - c. Suits to enforce spousal maintenance filed pursuant to Ch. 8, Family Code.

NOTE: If a suit contains both a motion for modification and a motion for enforcement, count the case as a **Modification** under the appropriate category.
4. **TITLE IV-D:** Suits or motions filed by the Title IV-D agency (Office of the Attorney General) pursuant to Chs. 156, 157 or 159, Family Code, to enforce and/or modify a child support obligation.

This section of the monthly report is designed to report information concerning the family law case activity of the district courts. The **FAMILY LAW 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 family law cases previously filed but that have not been 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 Adoption cases were pending at the end of April but 830 were pending as of May 1, enter "5" ($825 + 5 = 830$) in the docket adjustment line under Adoption 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 Adoption cases were pending at the end of April but 890 were pending as of May 1, enter "-10" ($900 - 10 = 890$) in the docket adjustment line under Adoption 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 7—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.

NOTE: Do not report the filing of amended or supplemental petitions.

Line 3. 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 that were classified as inactive and had not yet been disposed of;

- Cases returned from arbitration;
- Cases in which a bankruptcy stay has been lifted;
- Abated collaborative law cases (Section 153.0072, Family Code) in which a reinstatement order entered so that the court may take further action in the case (to approve the settlement agreement, review status report, grant motion for continuance, set suit for trial, dismiss suit without prejudice, etc.);
- 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 4. 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:

- motions to terminate parent-child relationship filed under the *old* case number (**NOTE: If filed under a new case number, report these as a new case filed (Line 2) under *Termination of Parental Rights*;**
- cases in which a motion for new trial has been granted;
- a case that had previously been reported as disposed of is reinstated to the court’s active docket;
- 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 writ of garnishment is docketed;
- cases in which a bill of review is docketed (with a new case number);
- cases involving similar matters that are not reported elsewhere.

Do not include motions for modification or enforcement filed pursuant to Chapters 156 and 157, Family Code following entry of original judgment. These include:

- motions to modify or set child support (separate from original judgment);
- motions to modify conservatorship (custody);
- motions to modify visitation privileges;
- motions for contempt;
- motions for enforcement of judgments or prior orders;
- petitions for writ of habeas corpus;
- motions to revoke or suspend such matters as contempt orders;
- motions for further orders of the court.

Report a motion for modification or enforcement listed above as a new case on Line 2 under the appropriate Post-Judgment Action case category (*Modification—Custody*, *Modification—Other*, *Enforcement*, or *Title IV-D*.)

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

- motions to dismiss;
- motions for continuance;
- motions for change of venue;
- motions for production of documents;
- motions for appointment of master, receiver, etc.;
- motions for substitution or withdrawal of counsel;
- motions to recuse judge;
- motions for substituted service;
- motions to take judicial notice of law of other state;
- motions for severance;
- motions to consolidate; and
- motions for separate trials.

NOTES:

- *These cases are reported under the same case category reported when the original petition or motion was filed.*
- *These cases are reported even if they were also disposed during the month.*

Line 5. 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.

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

NOTE: 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.

Line 6. 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 20 of the Dispositions Section.

Line 7. 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 sent to arbitration;
- Cases delayed due to the Soldiers' & Sailors' Civil Relief Act;
- Cases in which there is a stay due to a pending bankruptcy case;
- Cases in which an abatement order has been entered while the case continues being conducted under

- collaborative law procedures (Section 153.0072, Family Code); and
- Cases in which a capias has been issued for failure to appear (Ch. 157, Family Code).

Line 8. CASES PENDING END OF MONTH (*Sum of Lines 8a and 8b.*)

Line 8a. Active Cases

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

Line 5 minus the sum of Lines 6 & 7 = Line 8a

Line 8b. Inactive Cases

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

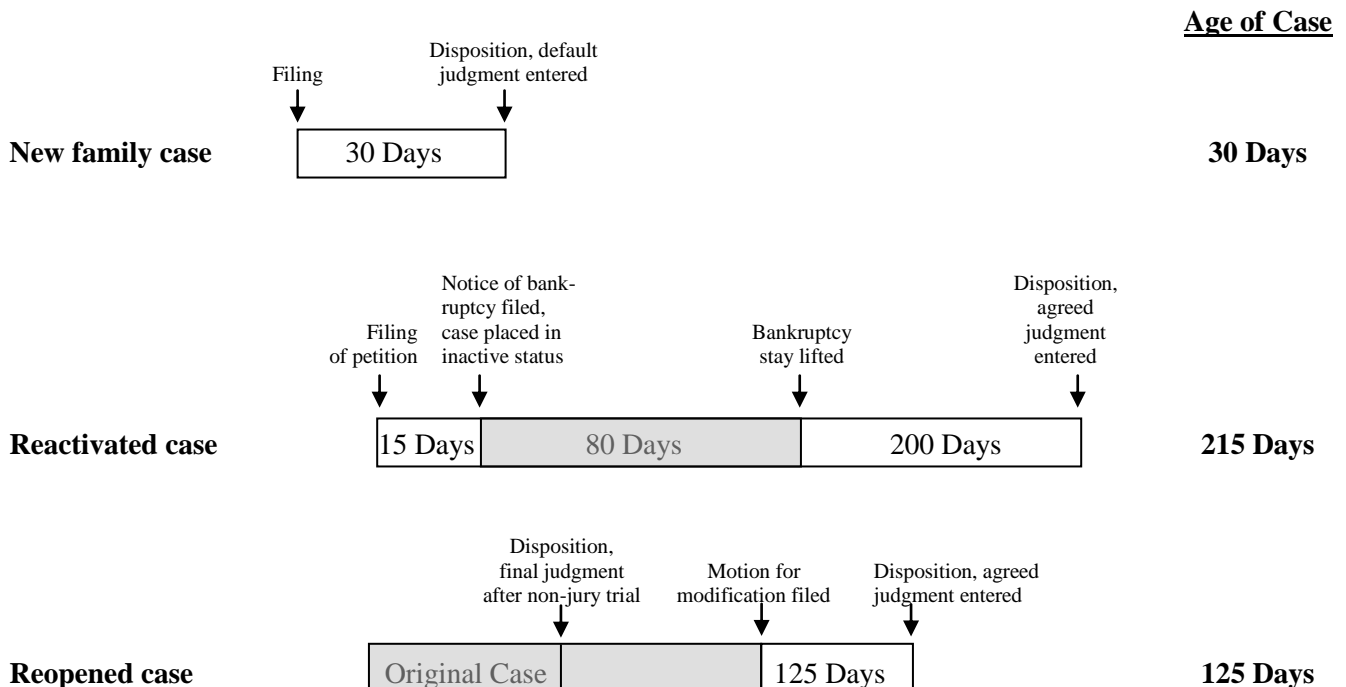
Line 1b minus Line 3 plus Line 7 = Line 8b

Line 9. AGE OF CASES DISPOSED

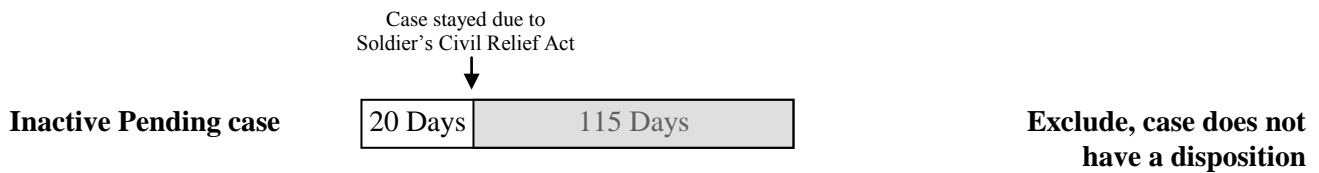
Report the length of time the cases that were disposed of during the month had been on the docket as an *active case*. **The total number of cases reported MUST match the total number of dispositions reported in Line 6.**

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.



(Motions to modify, enforce, etc.)



DISPOSITIONS

In this section, report the number of family law cases disposed during the month under the appropriate case category. **A family law case is considered disposed when a final judgment has been entered**, even if the case is eventually appealed, **or when a final order is entered disposing of all claims for affirmative relief or on a motion to modify or similar motion** in a family law case.

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 10-19).

Line 10. CHANGE OF VENUE TRANSFERS

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

Line 11. 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 12. AGREED JUDGMENTS

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

Line 13. SUMMARY JUDGMENTS DISPOSING OF CASES

Report 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 14. FINAL JUDGMENTS AFTER NON-JURY TRIAL

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

Line 15. FINAL JUDGMENTS BY JURY VERDICTS

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

Line 16. 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 17. 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 18. CASES NON-SUITED OR 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 19. ALL OTHER DISPOSITIONS

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

Line 20. TOTAL DISPOSITIONS

Report the sums of Lines 10 through 19 under the appropriate categories.

$$\text{Lines 10 + 11 + 12 + 13 + 14 + 15 + 16 + 17 + 18 + 19} = \text{Line 20}$$

ADDITIONAL COURT ACTIVITY

This part of the **FAMILY 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 21. CASES IN WHICH JURY WAS SELECTED

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

Line 22. CASES IN WHICH MISTRIAL DECLARED

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

Line 23. 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 24. PROTECTIVE ORDERS SIGNED

Report the number of protective orders signed in any case, **including** those signed in cases reported under the **Protective Orders—No Divorce** case category.

Line 25. CASES SET FOR REVIEW

Report the number of family cases in which a final judgment or final order has been entered that **were set during the month for a regularly scheduled review** involving a hearing before a judicial officer. Examples include placement reviews held every six months in child protection cases as required by Section 263.501, Family Code, and reset orders for compliance review in child support cases.

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.

NOTES:

- *These cases are reported under the same case category reported when the original petition or motion was filed.*
- *These cases are reported even if they were also disposed during the month.*

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

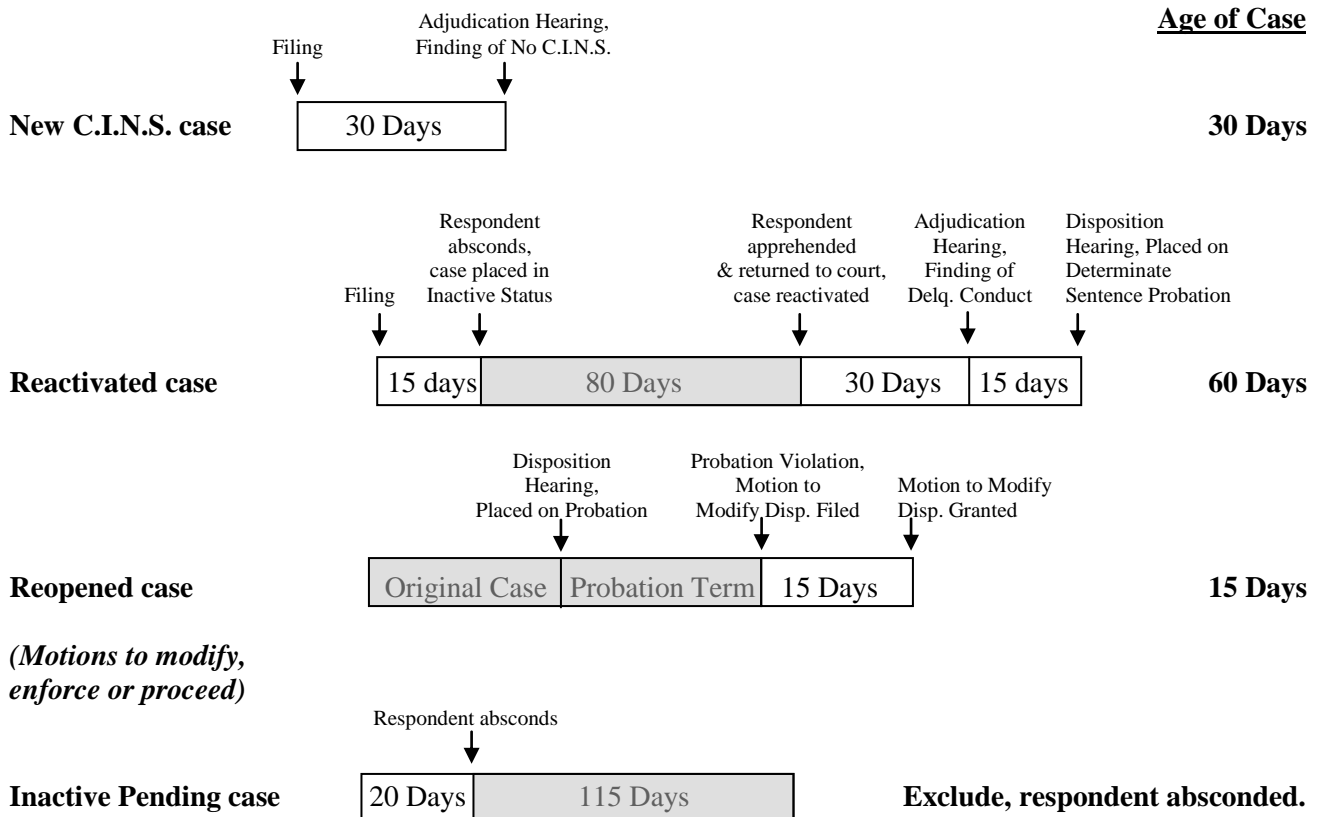
Report the length of time the cases reported in Lines 12 through 18 had been on the docket as *active cases*. The total number of cases here **MUST** match the total number of cases reported in Lines 8 and 19.

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 18th 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, Appraisement 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
OFFICIAL STATUTORY COUNTY COURT MONTHLY REPORT**

Criminal Case-Type Categories for Various Felony Offenses

| | |
|---------------------------|--------------------------|
| Capital = Capital Felony | F3 = Third Degree Felony |
| F1 = First Degree Felony | FS = State Jail Felony |
| F2 = Second Degree Felony | + = Penalty is enhanced |

| <u>OFFENSE</u> | <u>PENAL CODE SECTION¹</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 |
| Second conviction | 25.09 | F3 | Other Felony |
| AIRBAGS – MAKE / SELL COUNTERFEIT OR INTENTIONALLY ALTER | TRC 547.614 | MA | Other Misdemeanor |
| Previous conviction | TRC 547.614 | F3 | Other Felony |
| Resulting in bodily injury | TRC 547.614 | FS | Other Felony |
| 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 LIVESTOCK | | | |
| Fail to provide food, water or care: | | | |
| First or second conviction | 42.09 | MA | Other Misdemeanor |
| Third conviction | 42.09 | FS | Other Felony |
| Tortures, kills or seriously injures: | | | |
| First or second conviction | 42.09 | FS | Other Felony |
| Third conviction | 42.09 | F3 | Other Felony |
| ANIMALS, CRUELTY TO NONLIVESTOCK | | | |
| Failure to provide food, water, care & shelter: | | | |
| First or second conviction | 42.092 | MA | Other Misdemeanor |
| Third conviction | 42.092 | FS | Other Felony |
| Tortures, kills or seriously injures | | | |
| First or second conviction | 42.092 | FS | Other Felony |
| Third conviction | 42.092 | F3 | Other Felony |
| ARSON | | | |
| Ordinary | 28.02 | F2 | Other Felony |
| Recklessly starting fire or causing explosion while manufacturing controlled substance | 28.02 | FS | Other Felony |
| Resulting in bodily harm or death | 28.02 | F3 | Other Felony |
| Resulting in reckless damage | 28.02 | F3 | Other Felony |
| With bodily injury or at place of assembly, worship, or habitation | 28.02 | F1 | Other Felony |
| ASSAULT | | | |
| Against elderly or disabled | 22.01 | MA | Assault - Other |
| Against EMS personnel providing service | 22.01 | F3 | Agg. Assault/Att. Murder |
| Against person whose relationship to defendant is described by Section 71.0021(b), 71.003, or 71.005 of Family Code, If defendant previously convicted of an offense against similar person | 22.01 | F3 | Family Violence Assault |
| If defendant engages 2 or more times within 12 months or less in conduct constituting an offense under 22.01 | 22.01 | F3 | Family Violence Assault |
| Against public servant or security officer | 22.01 | F3 | Agg. Assault/Att. Murder |
| Against sports participant | 22.01 | MB | Assault - Other |
| Aggravated | | | |

| <u>OFFENSE</u> | <u>PENAL CODE SECTIONⁱ</u> | <u>PENALTY</u> | <u>CASE-TYPE CATEGORY</u> |
|---|---------------------------------------|----------------|---------------------------|
| ASSAULT, continued | | | |
| Ordinary | 22.02 | F2 | Agg. Assault/Att. Murder |
| Against witness, public servant, or security officer | 22.02 | F1 | Agg. Assault/Att. Murder |
| By public servant | 22.02 | F1 | Agg. Assault/Att. Murder |
| Bodily injury | 22.01 | MA | Assault - Other |
| Offensive contact | 22.01 | MC | Assault - Other |
| Threat | 22.01 | MC | Assault - Other |
| ASSISTANCE ANIMAL, ATTACK ON | 42.091 | MA | Other Misdemeanor |
| Assistance animal injured | 42.091 | FS | Other Felony |
| Assistance animal killed | 42.091 | F3 | Other Felony |
| ATHLETE, ILLEGAL RECRUITMENT OF | | | |
| Value of benefit less than \$1,500 | 32.441 | MC-MA | Other Misdemeanor |
| Value of benefit \$1,500 or more | 32.441 | FS-F1 | Other Felony |
| ATTEMPTED OFFENSES | | | |
| Attempted Class B misdemeanor | 15.01 | MC | Other Misdemeanor |
| Attempted Class A misdemeanor | 15.01 | MB | Other Misdemeanor |
| Attempted state jail felony | 15.01 | MA | Other Misdemeanor |
| Attempted third degree felony | 15.01 | FS | Other Felony |
| Attempted second degree felony | 15.01 | F3 | Other Felony |
| Attempted first degree felony | 15.01 | F2 | Other Felony |
| 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 |
| Underlying offense was felony | 38.10 | F3 | Other Felony |
| BARRATRY AND SOLICITATION OF PROFESSIONAL EMPLOYMENT | 38.12 | MA | Other Misdemeanor |
| Second conviction | 38.12 | F3 | Other Felony |
| BOATING WHILE INTOXICATED | 49.06 | MB | Other Misdemeanor |
| BRIBERY | | | |
| Commercial | 32.43 | FS | Other Felony |
| Ordinary | 36.02 | F2 | Other Felony |
| BURGLARY | | | |
| Building other than habitation | 30.02 | FS | Burglary |
| Coin-operated machine | 30.03 | MA | Other Misdemeanor |
| Habitation | 30.02 | F2 | Burglary |
| Habitation with intent to commit felony other than felony theft | 30.02 | F1 | Burglary |
| Rail car | 30.04 | FS | Burglary |
| Vehicle | 30.04 | MA | Other Misdemeanor |
| With 2 or more previous convictions | 30.04 | FS | Burglary |
| CAPITAL MURDER | 19.03 | Capital | Capital Murder |
| Murder of judge | 19.03 | Capital | Capital Murder |
| CHILD | | | |
| Abandoning or endangering | 22.041 | FS-F2 | Other Felony |
| Agreement to abduct from custody | 25.031 | FS | Other Felony |
| Enticing, with intent to commit felony against the child | 25.04 | F3 | Other Felony |
| Sale or purchase of | 25.08 | F3 | Other Felony |
| With intent to commit an offense under §43.25 | 25.08 | F2 | Other Felony |
| CHILD CUSTODY, INTERFERENCE WITH | 25.03 | FS | Other Felony |
| CHILD, LEAVING IN A VEHICLE | 22.10 | MC | Other Misdemeanor |

| <u>OFFENSE</u> | <u>PENAL CODE SECTIONⁱ</u> | <u>PENALTY</u> | <u>CASE-TYPE CATEGORY</u> |
|---|---------------------------------------|--|-----------------------------------|
| CHILD PORNOGRAPHY | | | |
| Possession | 43.26 | F3 | Other Felony |
| Promotion | 43.26 | F2 | Other Felony |
| CIGARETTES, PROHIBITIONS RELATING TO CERTAIN | 48.015 | MA | Other Misdemeanor |
| CIVIL PROCESS, PREVENTING EXECUTION OF | 38.16 | MC | Other Misdemeanor |
| CIVIL RIGHTS OF PERSON IN CUSTODY, VIOLATIONS OF | 39.04 | MA | Other Misdemeanor |
| COMMUNICATIONS, UNLAWFUL ACCESS TO STORED | | | |
| To obtain benefit or harm another | 16.04 | FS | Other Felony |
| COMMUNICATIONS—UNLAWFUL INTERCEPTION, USE, OR DISCLOSURE OF WIRE, ORAL, OR ELECTRONIC | | | |
| Ordinary | 16.02 | F2 | Other Felony |
| Selling interception device or alerting another to a police intercept | 16.02 | FS | Other Felony |
| 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 |
| Less than \$1,500, plus two or more convictions | 33.02 | FS | Other Felony |
| \$1,500 or more | 33.02 | FS-F1 | Other Felony |
| CONSPIRACY, CRIMINAL ⁱⁱ | | | |
| To commit state jail felony | 15.02 | MA | Other Misdemeanor |
| To commit capital murder | 15.02 | F1 | Other Felony |
| To commit first degree felony | 15.02 | F2 | Other Felony |
| To commit second degree felony | 15.02 | F3 | Other Felony |
| To commit third degree felony | 15.02 | FS | Other Felony |
| CONSUMER PRODUCT, TAMPERING WITH | | | |
| Ordinary | 22.09 | F2 | Other Felony |
| Person suffers serious bodily injury | 22.09 | F1 | Other Felony |
| Knowingly or intentionally threatens to tamper | 22.09 | F3 | Other Felony |
| CORPSE, ABUSE OF | 42.08 | MA | Other Misdemeanor |
| CREDIT CARD OR DEBIT CARD ABUSE | 32.31 | FS | Theft |
| Committed against elderly individual | 32.31 | F3 | Theft |
| CREDIT CARD TRANSACTION RECORD LAUNDERING | | | |
| Sale less than \$1,500 | 32.35 | MC-MA | Other Misdemeanor |
| Sale \$1,500 or more | 32.35 | FS-F1 | Other Felony |
| CRIMINAL INSTRUMENT, UNLAWFUL USE OF | | | |
| With knowledge and intent, sell, manufacture, install, set up, or adapt | 16.01 | FS | Other Felony |
| Possession with intent to use | 16.01 | One category lower than object offense | Other Felony or 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 |
| CURRENCY EXCHANGE SERVICES, FRAUDULENT OR UNLICENSED | Finance Code 151.708 | F3 | Other Felony |
| DANGEROUS DRUG, POSSESSION OF | HSC 483.041 | MA | Drug Offenses - Other |

| <u>OFFENSE</u> | <u>PENAL CODE SECTIONⁱ</u> | <u>PENALTY</u> | <u>CASE-TYPE CATEGORY</u> |
|--|---------------------------------------|----------------------|---------------------------|
| DEADLY CONDUCT | | | |
| Ordinary | 22.05 | MA | Assault - Other |
| Discharges firearm at/in direction of person, habitation, building, or vehicle | 22.05 | F3 | Other Felony |
| 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 BY DECEPTION | | | |
| Value of property, service or pecuniary interest | | | |
| Less than \$1,500 | 32.46 | MC-MA | Other Misdemeanor |
| \$1,500 or more | 32.46 | FS-F1 | Other Felony |
| Induces public servant to file document purporting to memorialize act of court not expressly created by state or federal law | 32.46 | FS | Other Felony |
| DOG FIGHTING | | | |
| Owns/trains dog or is a spectator | 42.10 | MA | Other Misdemeanor |
| Receives pecuniary benefit | 42.10 | FS | Other Felony |
| Uses or permits use of real estate, building, room, tent, etc. for fighting | 42.10 | FS | Other Felony |
| Participates in earnings of or operates facility used for fighting | 42.10 | FS | Other Felony |
| DRIVING COMMERCIAL MOTOR VEHICLE IN VIOLATION OF OUT-OF-SERVICE ORDER | | | |
| Employer responsibility | TRC 522.071 TRC 522.072 | M ⁱ MB | Traffic 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 |
| Two prior DWI convictions | 49.04, 49.09 | F3 | Felony D.W.I. |
| Prior intoxication manslaughter conviction | 49.08, 49.09 | F3 | Felony D.W.I. |
| With child passenger younger than 15 | 49.045 | FS | Felony D.W.I. |
| 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 |

| <u>OFFENSE</u> | <u>PENAL CODE SECTIONⁱ</u> | <u>PENALTY</u> | <u>CASE-TYPE CATEGORY</u> |
|---|---------------------------------------|----------------|---------------------------|
| DRUG AND DRUG-RELATED OFFENSES: | | | |
| ABUSABLE VOLATILE CHEMICAL (including paint and glue), Delivery to minor | HSC 485.032 | FS | Drug Sale/Manufacture |
| CHEMICAL LABORATORY APPARATUS | | | |
| Transfer for unlawful manufacture | HSC 481.139 | F3 | Drug Sale/Manufacture |
| Unlawful transfer or receipt | HSC 481.138 | FS | Drug Sale/Manufacture |
| Unlawful transfer or receipt and prior conviction | HSC 481.138 | F3 | Drug Sale/Manufacture |
| CHEMICAL PRECURSOR, UNLAWFUL TRANSFER OR RECEIPT OF | | | |
| Prior conviction | HSC 481.136 | FS | Drug Sale/Manufacture |
| Prior conviction | HSC 481.136 | F3 | Drug Sale/Manufacture |
| Failure to keep required pseudoephedrine sales reports by wholesaler | HSC 481.136 | FS | Drug Sale/Manufacture |
| Prior conviction | HSC 481.136 | F3 | Drug Sale/Manufacture |
| CHEMICALS, POSSESSION OR TRANSPORT WITH INTENT TO MANUFACTURE CONTROLLED SUBSTANCE | | | |
| Penalty Group 1 or 1-A | HSC 481.124 | F2 | Drug Possession |
| Penalty Group 2 | HSC 481.124 | F3 | Drug Possession |
| Penalty Group 3 or 4 | HSC 481.124 | FS | Drug Possession |
| Anhydrous ammonia | HSC 481.1245 | F3 | Drug Possession |
| DANGEROUS DRUG | | | |
| Delivery or offer of | HSC 483.042 | FS | Drug Sale/Manufacture |
| Manufacture of | HSC 483.043 | FS | Drug Sale/Manufacture |
| DRUG PARAPHERNALIA, POSSESSION OR DELIVERY | | | |
| To minor | HSC 481.125 | FS | Drug Sale/Manufacture |
| MANUFACTURE OR DELIVERY OF SUBSTANCE IN: | | | |
| Penalty Group 1 (Cocaine, heroin, methadone, methamphetamine, opium, etc.) | HSC 481.112 | FS-F1+ | Drug Sale/Manufacture |
| Penalty Group 1-A (LSD) | HSC 481.1121 | FS-F1+ | Drug Sale/Manufacture |
| Penalty Group 2 (Amphetamine, mescaline, etc.) | HSC 481.113 | FS-F1+ | Drug Sale/Manufacture |
| Penalty Group 3 or 4 | HSC 481.114 | FS-F1+ | Drug Sale/Manufacture |
| MARIJUANA | | | |
| Delivery of | HSC 481.120 | FS-F1+ | Drug Sale/Manufacture |
| 1/4 ounce or less | HSC 481.120 | MB-MA | Drug Offenses - Marijuana |
| Delivery to child | HSC 481.122 | F2 | Drug Sale/Manufacture |
| Possession of | HSC 481.121 | FS-F1+ | Drug 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 |
| PARAPHERNALIA, POSSESSION OR DELIVERY OF | | | |
| | HSC 481.125 | MC-MA | Drug Offenses - Other |
| POSSESSION OF SUBSTANCE IN: | | | |
| Penalty Group 1 (Cocaine, heroin, methadone, methamphetamine, opium, etc.) | HSC 481.115 | FS-F1+ | Drug Possession |
| Penalty Group 1-A (LSD) | HSC 481.1151 | FS-F1+ | Drug Possession |
| Penalty Group 2 (Amphetamine, mescaline, etc.) | HSC 481.116 | FS-F2+ | Drug Possession |
| Penalty Group 3 | HSC 481.117 | F3-F2+ | Drug Possession |
| Penalty Group 4 | HSC 481.118 | F3-F2+ | Drug Possession |
| PRECURSOR SUBSTANCE, TRANSFER FOR UNLAWFUL MANUFACTURE | | | |
| | HSC 481.137 | F3 | Drug Sale/Manufacture |
| PROHIBITED SUBSTANCES IN ADULT OR JUVENILE CORRECTIONAL OR DETENTION FACILITY OR ON PROPERTY OF TEXAS DEPT OF CRIMINAL JUSTICE OR TEXAS YOUTH COMMISSION | | | |
| | 38.11 | F3 | Other Felony |

| <u>OFFENSE</u> | <u>PENAL CODE SECTIONⁱ</u> | <u>PENALTY</u> | <u>CASE-TYPE CATEGORY</u> |
|--|---------------------------------------|----------------|-----------------------------------|
| EMERGENCY TELEPHONE CALL, INTERFERENCE WITH Prior conviction | 42.062 42.062 | MA FS | Other Misdemeanor Other Felony |
| 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 |
| Causes serious bodily injury or uses (or threatens to use) a deadly weapon | 38.06 | F1 | Other Felony |
| Causes bodily injury | 38.06 | F2 | Other Felony |
| Felony arrest, charge or conviction or confined in correctional facility | 38.06 | F3 | Other Felony |
| ESCAPE, PERMITTING OR FACILITATING Using or threatening to use deadly weapon | 38.07 38.07 | MA F2 | Other Misdemeanor Other Felony |
| Escapee was felon in secure correctional facility | 38.07 | F2 | Other Felony |
| Felony arrest, charge or conviction or escapee was felon in non-secure correctional facility | 38.07 | F3 | Other Felony |
| Providing deadly weapon for escape | 38.09 | F2 | Other Felony |
| Providing implement for escape | 38.09 | F3 | Other Felony |
| EVADING ARREST OR DETENTION Ordinary | 38.04 | MB | Other Misdemeanor |
| Use of vehicle, no prior conviction | 38.04 | FS | Other Felony |
| Use of vehicle, prior conviction | 38.04 | F3 | Other Felony |
| Causes serious bodily injury | 38.04 | F3 | Other Felony |
| Causes death of person | 38.04 | F2 | Other Felony |
| EXPLOSIVES, POSSESSION OF COMPONENTS OF | 46.09 | F3 | Other Felony |
| 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 |
| Involving public schools, utilities, communications, or other public service | 42.06 | FS | Other Felony |
| Involving child care or family care facility (2 nd or subsequent offense) | Human Resources Code 42.0447 | FS | Other Felony |
| FALSE IDENTIFICATION AS PEACE OFFICER; MISREPRESENTATION OF PROPERTY | 37.12 | MB | Other Misdemeanor |
| FALSE INFORMATION / STATEMENT TO METAL RECYCLER Previous conviction | OC 1956.040 OC 1956.040 | MA FS | Other Misdemeanor Other Felony |
| FALSE REPORT To law enforcement personnel | 37.08 | MB | Other Misdemeanor |
| Regarding missing child or missing person | 37.081 | MC | Other Misdemeanor |

| <u>OFFENSE</u> | <u>PENAL CODE SECTIONⁱ</u> | <u>PENALTY</u> | <u>CASE-TYPE CATEGORY</u> |
|--|---------------------------------------|--|---------------------------|
| FALSE STATEMENT TO OBTAIN CREDIT OR PROPERTY | | | |
| Value of credit or property less than \$1,500 | 32.32 | MC-MA | Other Misdemeanor |
| Value of credit or property \$1,500 or more | 32.32 | FS-F1 | Other Felony |
| FALSELY HOLDING ONESELF OUT AS A LAWYER | 38.122 | F3 | Other Felony |
| FIDUCIARY PROPERTY OR PROPERTY OF FINANCIAL INSTITUTION, MISAPPLICATION OF | | | |
| Value less than \$1,500 | 32.45 | MC-MA | Other Misdemeanor |
| Value \$1,500 or more | 32.45 | FS-F1 | Other Felony |
| FINANCING STATEMENT, FRAUDULENT FILING OF | | | |
| Contains a material false statement | 37.101 | MA | Other Misdemeanor |
| Is groundless | 37.101 | MA | Other Misdemeanor |
| With intent to defraud or harm, statement contains false statement or is groundless | 37.101 | FS | Other Felony |
| Statement is forged | 37.101 | F3 | Other Felony |
| Statement is forged, 2 prior convictions | 37.101 | F2 | Other Felony |
| FLAG, DESTRUCTION OF | 42.11 | MA | Other Misdemeanor |
| FLYING WHILE INTOXICATED | 49.05 | MB | Other Misdemeanor |
| FORGERY | | | |
| Ordinary | 32.21 | MA | Other Misdemeanor |
| Money, security, postage or revenue stamps, government record, instruments issued by government agency, stocks, bonds | 32.21 | F3 | Other Felony |
| Will, codicil, deed, deed of trust, mortgage, security instrument, security agreement, credit card, check or sight order for payment of money, contract, release, or other commercial instrument | 32.21 | FS | Other Felony |
| Committed against elderly individual | 32.21 | One degree higher than crime committed | Other Felony |
| FRAUD | | | |
| Controlled substance listed in Schedule I or II | HSC 481.129 | F2 | Other Felony |
| Controlled substance listed in Schedule III or IV | HSC 481.129 | F3 | |
| Delivers prescription or prescription form for other than valid medical purpose in course of professional practice or prescription for controlled substance in Schedule II | HSC 481.129 | F2 | Other Felony |
| Delivers prescription or prescription form for other than valid medical purpose in course of professional practice or prescription for controlled substance in Schedule III, IV or V | HSC 481.129 | F3 | Other Felony |
| Possession of prescription or prescription form for controlled substance listed in Schedule II or III or possession of prescription form | HSC 481.129 | FS | Other Felony |
| Medicaid | 35A.02 | FS-F1 | Other Felony |
| Obstructing investigation by Attorney General \$1,500<\$20,000 | 35A.02 | FS | Other Felony |
| 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 |
| GANG MEMBERSHIP—COERCING, SOLICITING, OR INDUCING | | | |
| Threatens with bodily injury | 22.015 | FS | Other Felony |
| Causes bodily injury | 22.015 | F3 | Other Felony |

| <u>OFFENSE</u> | <u>PENAL CODE SECTIONⁱ</u> | <u>PENALTY</u> | <u>CASE-TYPE CATEGORY</u> |
|---|---------------------------------------|--|---------------------------|
| 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 |
| With intent to defraud or harm | 37.10 | FS | Other Felony |
| Public school record, license, certificate, permit, seal, title, letter of patent | 37.10 | F3 | Other Felony |
| With intent to defraud or harm | 37.10 | F2 | Other Felony |
| Pursuant to subsection (d)(2) | 37.10 | F3 | Other Felony |
| GRAFFITI | | | |
| Pecuniary loss less than \$1,500 | 28.08 | MB-MA | Other Misdemeanor |
| Pecuniary loss \$1,500 or more | 28.08 | FS-F1 | Other Felony |
| On school, higher education institution, place of worship or human burial, public monument, or community center | 28.08 | FS | Other Felony |
| HARASSMENT | 42.07 | MB | Other Misdemeanor |
| Prior conviction | 42.07 | MA | Other Misdemeanor |
| By persons in certain correctional facilities | 22.11 | F3 | Other Felony |
| Of public servant | 22.11 | F3 | Other Felony |
| HARMFUL MATERIAL— SALE, DISTRIBUTION, OR DISPLAY TO MINOR | | | |
| Ordinary | 43.24 | MA | Other Misdemeanor |
| Hiring minor to commit | 43.24 | F3 | Other Felony |
| HINDERING APPREHENSION OR PROSECUTION | 38.05 | MA | Other Misdemeanor |
| Of adult or juvenile under authority of warrant or capias | 38.05 | F3 | Other Felony |
| Of known felon | 38.05 | F3 | Other Felony |
| HINDERING PROCEEDINGS BY DISORDERLY CONDUCT | 38.13 | MA | Other Misdemeanor |
| HINDERING SECURED CREDITORS | | | |
| Value of property less than \$1,500 | 32.33 | MC-MA | Other Misdemeanor |
| Value of property \$1,500 or more | 32.33 | FS-F1 | Other Felony |
| HOAX BOMBS | 46.08 | MA | Other Misdemeanor |
| HOMICIDE, CRIMINALLY NEGLIGENT | 19.05 | FS | Other Homicides |
| HONORARIUM, ACCEPTANCE OF | 36.07 | MA | Other Misdemeanor |
| HUMAN ORGANS, PURCHASE OR SALE OF | 48.02 | MA | Other Misdemeanor |
| IDENTIFYING INFORMATION, FRAUDULENT USE OR POSSESSION OF | | | |
| Less than 5 items | 32.51 | FS | Other Felony |
| 5 or more, but fewer than 10 items | 32.51 | F3 | Other Felony |
| 10 or more, but fewer than 50 items | 32.51 | F2 | Other Felony |
| 50 items or more | 32.51 | F1 | Other Felony |
| Committed against elderly individual | 32.51 | One degree higher than crime committed | Other Felony |
| IDENTIFICATION NUMBERS, TAMPERING WITH | 31.11 | MA | Other Misdemeanor |
| IMPERSONATING PUBLIC SERVANT | 37.11 | F3 | Other Felony |

| <u>OFFENSE</u> | <u>PENAL CODE SECTIONⁱ</u> | <u>PENALTY</u> | <u>CASE-TYPE CATEGORY</u> |
|---|---------------------------------------|----------------|---------------------------|
| INJURY TO CHILD, ELDERLY INDIVIDUAL, OR DISABLED INDIVIDUAL | | | |
| Criminal negligence | 22.04 | FS | Agg. Assault/Att. Murder |
| Intentional | | | |
| Bodily injury | 22.04 | F3 | Agg. Assault/Att. Murder |
| Exploitation | 22.04 | F3 | Agg. Assault/Att. Murder |
| Serious bodily or mental injury | 22.04 | F1 | Agg. Assault/Att. Murder |
| Reckless | | | |
| INTOXICATION ASSAULT | | | |
| Aircraft, watercraft, amusement ride | 49.07 | F3 | Other Felony |
| Motor vehicle | 49.07 | F3 | Felony DWI |
| Causes serious bodily injury to peace officer, firefighter, or EMS personnel | 49.09 | F2 | Other Felony |
| INTOXICATION MANSLAUGHTER | 49.08 | F2 | Other Homicides |
| Causes death of peace officer, firefighter, or EMS personnel | 49.09 | F1 | Other Felony |
| 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 | | | |
| False statement presented to insurer | 35.02 | FS | Other Felony |
| Value of claim | | | |
| Less than \$1,500 | 35.02 | MC-MA | Other Misdemeanor |
| \$1,500 or more | 35.02 | FS-F1 | Other Felony |
| Less than \$200,000 and commission of offense placed a person at risk of death or serious bodily injury | 35.02 | F1 | Other Felony |
| INTERFERENCE WITH PUBLIC DUTIES | 38.15 | MB | Other Misdemeanor |
| KIDNAPPING | | | |
| Ordinary | 20.03 | F3 | Other Felony |
| Aggravated | | | |
| Ordinary | 20.04 | F1 | Other Felony |
| Released victim in safe place | 20.04 | F2 | Other Felony |
| LASER POINTER, IMPAIR AIRCRAFT OPERATOR WITH | 42.14 | MA | Other Misdemeanor |
| LEGAL PROCESS, SIMULATING | 32.48 | MA | Other Misdemeanor |
| MANSLAUGHTER | | | |
| Reckless | 19.04 | F2 | Other Homicides |
| MARRIAGE | | | |
| Knowingly providing parental consent when applicant is under 16 or is already married | Family Code 2.102 | F3 | Other Felony |
| Knowingly conducting marriage ceremony for minor who prohibited from marrying by law or if marriage results in bigamy | Family Code 2.202 | F3 | Other Felony |
| METAL OR BODY ARMOR, UNLAWFUL POSSESSION BY FELON | 46.041 | F3 | Other Felony |
| MISCHIEF, CRIMINAL | | | |
| Pecuniary loss | | | |
| \$1,500 or more | 28.03 | FS-F1 | Other Felony |
| Less than \$1,500 if habitation damaged by firearm or explosive weapon | 28.03 | FS | Other Felony |
| Less than \$1,500 if fence used for production/ | | | |

| <u>OFFENSE</u> | <u>PENAL CODE SECTIONⁱ</u> | <u>PENALTY</u> | <u>CASE-TYPE CATEGORY</u> |
|--|---------------------------------------|--|------------------------------------|
| containment of livestock or game animals \$1,500 or more but less than \$20,000 and damage to public or private elementary school, secondary school, or institution of higher education | 28.03 | FS | Other Felony |
| Less than \$20,000 and damage to place of worship or human burial, public monument or community center that provides medical, social, or educational programs | 28.03 | FS | Other Felony |
| Transportation / communication equipment / devices <\$100,000 | 28.03 | F3 | Other Felony |
| MONEY LAUNDERING | | | |
| Value of funds \$1,500 or more | 34.02 | FS-F1 | Other Felony |
| MOTOR VEHICLE, FRAUDULENT TRANSFER OF | | | |
| Under subsection (b)(4) | 32.34 32.34 | FS-F3 MA | Other Felony 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 |
| MURDER | | | |
| Ordinary | 19.02 | F1 | Murder |
| Sudden passion | 19.02 | F2 | Murder |
| 9-1-1 SERVICE, SILENT OR ABUSIVE CALLS TO | 42.061 | MB | Other Misdemeanor |
| NON-SUPPORT, CRIMINAL | 25.05 | FS | Other Felony |
| OBSCENITY | | | |
| Obscene display or distribution | 43.22 | MC | Other Misdemeanor |
| Promotes obscene material/device | 43.23 | MA+ | Other Misdemeanor |
| Produces/presents/participates in obscene performance | 43.23 | MA+ | Other Misdemeanor |
| Wholesale promotion | 43.23 | FS+ | Other Felony |
| OBSTRUCTING HIGHWAY OR OTHER PASSAGEWAY | 42.03 | MB | Other Misdemeanor |
| OBSTRUCTION OR RETALIATION | | | |
| Ordinary | 36.06 | F3 | Other Felony |
| Against juror | 36.06 | F2 | Other Felony |
| 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 |
| \$1,500 or more | 39.02 | FS-F1 | Other Felony |
| OFFICIAL INFORMATION, MISUSE OF | | | |
| Coerces another to suppress/fail to report information to law enforcement | 39.06 39.06 | F3 MC | Other Felony Other Misdemeanor |
| OFFICIAL OPPRESSION | 39.03 | MA | Other Misdemeanor |
| ORGANIZED CRIMINAL ACTIVITY, ENGAGING IN | | | |
| Violation of court order enjoining organized criminal activity | 71.021 | MA | Other Misdemeanor |
| Conspired and crime not committed | 71.02 | Same as offense conspired to commit | Other Felony/ Other Misdemeanor |
| Unless withdrew and tried to prevent commission of offense | 71.02 | One category lower than offense conspired to commit | Other Felony/ Other Misdemeanor |

| <u>OFFENSE</u> | <u>PENAL CODE SECTIONⁱ</u> | <u>PENALTY</u> | <u>CASE-TYPE CATEGORY</u> |
|--|---------------------------------------|--|------------------------------------|
| Conspired and crime committed | 71.02 | One degree higher than crime committed | Other Felony/ Other Misdemeanor |
| Unless withdrew and tried to prevent commission of offense | 71.02 | Same as offense conspired to commit | Other Felony/ Other Misdemeanor |
| PEN REGISTER OR TRAP AND TRACE DEVICE, UNLAWFUL USE OF | 16.03 | FS | Other Felony |
| PERJURY | 37.02 | MA | Other Misdemeanor |
| AGGRAVATED | 37.03 | F3 | Other Felony |
| PHOTOGRAPHY OR VISUAL RECORDING, IMPROPER | 21.15 | FS | Other Felony |
| PHYSICAL EVIDENCE, TAMPERING WITH OR FABRICATING | | | |
| Failure to report location of dead body | 37.09 | MA | Other Misdemeanor |
| Intent to impair human corpse | 37.09 | F2 | Other Felony |
| Knowing investigation/official proceeding pending | 37.09 | F3 | Other Felony |
| 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 |
| Injures animal or engages in conduct likely to injure animal | 38.151 | FS | Other Felony |
| Kills animal or engages in conduct likely to kill animal | 38.151 | F3 | Other Felony |
| 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 |
| Two or more prior convictions or committed assault or stalking | 25.07 | F3 | Other Felony |
| PROTECTIVE ORDER PREVENTING OFFENSE CAUSED BY BIAS OR PREJUDICE, VIOLATION OF | | | |
| Two or more prior convictions or committed assault | 25.071 | F3 | Other Felony |
| PROTECTIVE ORDER ISSUED ON BASIS OF SEXUAL ASSAULT, VIOLATION OF | 38.112 | MA | Other Misdemeanor |
| PUBLIC COMMUNICATIONS, ILLEGAL DIVULGENCE OF | 16.05 | FS | Other Felony |
| 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 | | | |
| Coercion is threat to commit felony | 36.03 | MA | Other Misdemeanor |
| | 36.03 | F3 | Other Felony |

| <u>OFFENSE</u> | <u>PENAL CODE SECTIONⁱ</u> | <u>PENALTY</u> | <u>CASE-TYPE CATEGORY</u> |
|--|---------------------------------------|-----------------------------------|------------------------------------|
| 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 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 |
| Pecuniary loss \$1,500 or more | 28.07 | FS-F1 | Other Felony |
| Bodily injury caused | 28.07 | F3 | Other Felony |
| RECKLESS DAMAGE OR DESTRUCTION | 28.04 | MC | Other Misdemeanor |
| RECORD OF A FRAUDULENT COURT | | | |
| Two or more prior convictions | 37.13 | F3 | Other Felony |
| RECORDING DEVICE, UNAUTHORIZED OPERATION IN MOTION PICTURE THEATER | | | |
| | Business & Commerce Code | | |
| 2 nd offense | 35.935 | FS | Other Felony |
| 3 rd or subsequent offense | 35.935 | F3 | Other Felony |
| REFUSING TO RELEASE FALSE LIEN OR CLAIM | 32.49 | MA | Other Misdemeanor |
| REGULATED MATERIALS | | | |
| Purchase stolen | OC 1956.040 | FS | Other Felony |
| With previous conviction | OC 1956.040 | FS | Other Felony |
| Sell stolen | OC 1956.040 | FS | Other Felony |
| With previous conviction | OC 1956.040 | F3 | Other Felony |
| RESISTING ARREST, SEARCH, OR TRANSPORTATION | | | |
| Using deadly weapon | 38.03 | MA | Other Misdemeanor |
| | 38.03 | F3 | Other Felony |
| RESTRAINT, UNLAWFUL (Ordinary) | 20.02 | MA | Other Misdemeanor |
| RIGGING PUBLICLY EXHIBITED CONTEST | 32.44 | MA | Other Misdemeanor |
| RIGHTS OF GUARDIAN OF THE PERSON, INTERFERENCE | 25.10 | FS | Other Felony |
| RIOT | | | |
| Ordinary | 42.02 | MB | Other Misdemeanor |
| Offense committed during riot | 42.02 | Same penalty as offense committed | Other Misdemeanor/ Other Felony |
| ROBBERY | | | |
| Ordinary | 29.02 | F2 | Agg. Robbery or Robbery |
| Aggravated | 29.03 | F1 | Agg. Robbery or Robbery |
| RUNAWAY CHILD, HARBORING | 25.06 | MA | Other Misdemeanor |
| SEXUAL OFFENSES: | | | |
| CHILD, INDECENCY WITH | | | |
| By exposure | 21.11 | F3 | Indecency/Sexual Assault of Child |
| By sexual contact | 21.11 | F2 | Indecency/Sexual Assault of Child |
| CONTINUOUS SEXUAL ABUSE OF A YOUNG CHILD | 21.02 | F1 | Indecency/Sexual Assault of Child |
| IMPROPER SEXUAL ACTIVITY WITH PERSON IN CUSTODY | | | |
| In custody of Texas Youth Commission | 39.04 | FS | Other Felony |
| | 39.04 | F2 | Other Felony |
| IMPROPER RELATIONSHIP BETWEEN EDUCATOR AND STUDENT | | | |
| | 21.12 | F2 | Indecency/Sexual Assault of Child |

| <u>OFFENSE</u> | <u>PENAL CODE SECTIONⁱ</u> | <u>PENALTY</u> | <u>CASE-TYPE CATEGORY</u> |
|--|---------------------------------------|--|---|
| INTERNET | | | |
| Communicating with minor for purpose of sexual gratification or distributing explicit material to minor | 33.021 | FS | Other Felony |
| If minor under 14 or actor believes is under 14 | 33.021 | F2 | Other Felony |
| Soliciting minor with intent of meeting to engage in sexual conduct | 33.021 | F3 | Other Felony |
| If minor under 14 or actor believes is under 14 | 33.021 | F2 | Other Felony |
| PROSTITUTION | | | |
| Aggravated promotion | 43.04 | F3 | Other Felony |
| Compelling | 43.05 | F2 | Other Felony |
| Three or more prior convictions | 43.02 | FS | Other Felony |
| SEXUAL ASSAULT | | | |
| Ordinary | | | |
| Of adult | 22.011 | F2 | Sexual Assault/Adult |
| Of child (under 17) | 22.011 | F2 | Indecency/Sexual Assault of Child |
| Of person whom defendant prohibited from marrying or living under appearance of marriage under Penal Code 25.01 (Bigamy) | 22.011 | F1 | Sexual Assault/Adult or Indecency/Sexual Assault of Child |
| Aggravated | | | |
| Of adult | 22.021 | F1 | Sexual Assault/Adult |
| Of child (under 17) | 22.021 | F1 | Indecency/Sexual Assault of Child |
| SEXUAL CONDUCT, PROHIBITED | | | |
| With first degree cousin | 25.02 | F3 | Other Felony |
| | 25.02 | F2 | Other Felony |
| SEXUAL PERFORMANCE BY CHILD | | | |
| Employs, authorizes, induces | 43.25 | F2 | Other Felony |
| Children under 14 years old | 43.25 | F1 | Other Felony |
| Produces, directs, promotes | 43.25 | F3 | Other Felony |
| Children under 14 years old | 43.25 | F2 | Other Felony |
| SIMULATING LEGAL PROCESS | | | |
| Prior conviction | 32.48 | FS | Other Felony |
| SOLICITATION, CRIMINAL | | | |
| Soliciting a capital offense | 15.03 | F1 | Other Felony |
| Soliciting a first degree felony | 15.03 | F2 | Other Felony |
| SOLICITATION OF A MINOR | | | |
| | 15.031 | One category lower than the intended offense | Other Felony |
| Online | | | |
| Intent to engage in sexual conduct | 33.021 | FS | Other Felony |
| Minor under 14 years old | 33.021 | F3 | Other Felony |
| | 33.021 | F2 | Other Felony |
| SOLICITING MEMBERSHIP IN A CRIMINAL STREET GANG | | | |
| First offense | 71.022 | F3 | Other Felony |
| Second or subsequent offense | 71.022 | F2 | Other Felony |
| STALKING | | | |
| First offense | 42.072 | F3 | Other Felony |
| Prior conviction | 42.072 | F2 | Other Felony |
| STOLEN CHECK OR SIMILAR SIGHT ORDER, STEALING OR RECEIVING | | | |
| | 32.24 | MA | Other Misdemeanor |
| SUICIDE, AIDING | | | |
| Ordinary | | | |
| Resulting in serious bodily injury or death | 22.08 | MC | Other Misdemeanor |
| | 22.08 | FS | Other Felony |

| <u>OFFENSE</u> | <u>PENAL CODE SECTIONⁱ</u> | <u>PENALTY</u> | <u>CASE-TYPE CATEGORY</u> |
|---|--|--|---|
| TELECOMMUNICATIONS ACCESS DEVICE, PUBLICATION OF Prior conviction | 33A.05 33A.05 | MA F3 | Other Misdemeanor Other Felony |
| TELECOMMUNICATIONS DEVICE— MANUFACTURE, POSSESSION, OR DELIVERY OF UNLAWFUL | 33A.03 | F3 | Other Felony |
| TELECOMMUNICATIONS SERVICE, THEFT OF Value less than \$500 but with prior computer crimes conviction Value less than \$1,500 Value \$1,500 or more | 33A.04 33A.04 33A.04 | MA MB-MA FS-F1 | Theft Theft Other Theft |
| TELECOMMUNICATIONS SERVICE, UNAUTHORIZED USE OF Value less than \$500 but with prior computer crimes conviction Value less than \$1,500 Value less than \$1,500 & two or more prior convictions Value \$1,500 or more | 33A.02 33A.02 33A.02 33A.02 | MA MB-MA FS FS-F1 | Other Misdemeanor Other Misdemeanor Other Felony Other Felony |
| TERRORISTIC THREAT Causing emergency agency to react Impairment of public utilities, communications, or transportation Interfere with conduct or activities of government Interrupting occupation of facility Place person in fear of serious bodily injury Place public in fear of serious bodily injury | 22.07 22.07 22.07 22.07 22.07 22.07 | MB F3 F3 MA MB F3 | Other Misdemeanor Other Felony Other Felony Other Misdemeanor Other Misdemeanor Other Felony |
| THEFT Automobile Driver's license, commercial driver's license or personal identification Firearm stolen From person or from corpse or grave Livestock Organized retail Value greater than \$1,500 but less than \$20,000 Value greater than \$20,000 but less than \$100,000 Value greater than \$100,000 but less than \$200,000 Value greater than \$200,000 Value of property Less than \$1,500 \$1,500 or more but less than \$20,000 Less than \$1,500 and two or more prior convictions \$20,000 or more | 31.03 31.03 31.03 31.03 31.16 31.16 31.16 31.16 31.03 31.03 31.03 31.03 | FS-F1 MB FS FS FS-F3 FS F3 F2 F1 MC-MA FS FS F3-F1 | Automobile Theft Theft Theft Theft Theft Theft Theft Theft Theft or Theft by Check Theft Theft Theft |
| <i>NOTE: If the value of the property stolen is less than \$200,000, 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 \$1,500 or more Wire/cable 50% aluminum/bronze/copper less than \$20,000 | 31.04 31.04 31.03 | MC-MA FS-F1 FS | Theft or Theft by Check Theft Theft |
| TOBACCO SMOKING IN CERTAIN PUBLIC PLACES | 48.01 | MC | Other Misdemeanor |
| TRACKING DEVICE, UNLAWFUL INSTALLATION OF | 16.06 | MA | Other Misdemeanor |
| TRADE SECRETS, THEFT OF | 31.05 | F3 | Theft |
| TRADEMARK COUNTERFEITING Less than \$1,500 Value \$1,500 or more | 32.23 32.23 | MC-MA FS-F1 | Other Misdemeanor Other Felony |
| TRAFFICKING OF PERSONS Ordinary If person trafficked is younger than 14 or death occurs If person trafficked is younger than 18 and death occurs | 20A.02 20A.02 20A.02 | F2 F1 F1 | Other Felony Other Felony Other Felony |
| TRAFFIC OFFENSES | Title 7, | MC-MA | Traffic |

OFFENSE

**PENAL CODE
SECTIONⁱ**

PENALTY

**CASE-TYPE
CATEGORY**

Misdemeanor

Transportation Code

| <u>OFFENSE</u> | <u>PENAL CODE SECTIONⁱ</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 ABSENCE FROM COMMUNITY CORRECTIONS FACILITY, COUNTY CORRECTIONAL CENTER, OR ASSIGNMENT SITE | 38.113 | FS | Other Felony |
| UNAUTHORIZED DISCLOSURE OF INFORMATION | HSC 481.127 | FS | Other Felony |
| UNAUTHORIZED PRACTICE OF LAW | 38.123 | MA | Other Misdemeanor |
| Prior conviction | 38.123 | F3 | Other Felony |
| UNAUTHORIZED USE OF VEHICLE | 31.07 | FS | Automobile Theft |
| UNLAWFUL ACCESS TO STORED COMMUNICATIONS | 16.04 | MA | Other Misdemeanor |
| UNLAWFUL RESTRAINT | | | |
| Child under 17 | 20.02 | FS | Other Felony |
| Risk of serious bodily injury; public servant; actor in custody of sexual offense | 20.02 | F3 | Other Felony |
| UNLAWFUL TRANSPORT | 20.05 | FS | Other Felony |
| VICTIM, IMPROPER CONTACT WITH | 38.111 | MA | Other Misdemeanor |
| Actor confined in correctional facility after felony conviction of sexual offense | 38.111 | F3 | Other Felony |
| 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 |
| VOTING MACHINE, TAMPERING WITH ELECTRONIC | 33.05 | F1 | Other Felony |
| Attempted | 33.05 | F3 | Other Felony |
| WEAPONS OFFENSES: | | | |
| DEADLY WEAPON IN PENAL INSTITUTION | 46.10 | F3 | Other Felony |
| 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 |
| By felon | 46.04 | F3 | Other Felony |
| HANDGUN, UNLAWFUL CARRYING OF BY LICENSE HOLDER | 46.035 | MA | Other Misdemeanor |
| POSSESSION IN PROHIBITED PLACE | 46.03 | F3 | Other Felony |

| <u>OFFENSE</u> | <u>PENAL CODE SECTIONⁱ</u> | <u>PENALTY</u> | <u>CASE-TYPE CATEGORY</u> |
|---|---------------------------------------|----------------|---------------------------|
| WEAPONS OFFENSES, continued | | | |
| POSSESSION OF Machine gun, explosive weapon, stun gun, short-barrel firearm, firearm silencer, armor-piercing ammunition, chemical dispensing device, or zip gun | 46.05 | F3 | Other Felony |
| Switchblade knife, knuckles | 46.05 | MA | Other Misdemeanor |
| TAKING WEAPON FROM PEACE OFFICER, PAROLE OFFICER, OR COMMUNITY SUPERVISION & CORRECTIONS OFFICER | 38.14 | F3 | Other Felony |
| Attempting to take | 38.14 | FS | Other Felony |
| UNLAWFUL CARRYING OF HANDGUN BY LICENSE HOLDER | | | |
| On alcohol licensed premises | 46.035 | F3 | Other Felony |
| On premises of correctional facility | 46.035 | F3 | Other Felony |
| UNLAWFUL CARRYING OF HANDGUN, ILLEGAL KNIFE OR CLUB | | | |
| Ordinary | 46.02 | MA | Other Misdemeanor |
| On premises licensed for sale of alcoholic beverages | 46.02 | F3 | Other Felony |
| UNLAWFUL TRANSFER OF CERTAIN WEAPONS | 46.06 | MA | Other Misdemeanor |
| UNLAWFUL TRANSFER OF HANDGUN TO CHILD UNDER 18 | 46.06 | FS | Other Felony |
| WITNESS, TAMPERING WITH | 36.05 | FS | Other Felony |
| WRITING—FRAUDULENT DESTRUCTION, REMOVAL, OR CONCEALMENT OF | | | |
| Ordinary | 32.47 | MA | Other Misdemeanor |
| Will, codicil, deed, mortgage, deed of trust, security instrument, security agreement, or other publicly recordable writing | 32.47 | FS | Other Felony |

ⁱ 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.
ⁱⁱ 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>