

# State and City Reports

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## INTRODUCTION

State laws require municipal courts to file reports with certain state agencies and to remit court costs and some fines to the state. The State agencies responsible for obtaining the information and money from the courts provide guidelines and forms. Usually, clerks submit the reports although, in some instances, statutes provide that the judge is responsible for the maintenance and submission. Judges, however, typically delegate these duties to the clerk because the duties, although required of the judge, are mandatory and generally ministerial and administrative in nature. For this reason, the judge may delegate the duties to the clerk.

Some reports help courts enforce appearance and payment of fines in their courts. For example, when a juvenile fails to appear or pay, the court submits a report to the Texas Department of Public Safety (DPS) to deny issuance of or to suspend the juvenile's driver's license until the juvenile appears and complies with court orders.

Clerks should always submit required reports timely because there could be consequences for not properly reporting. For example, the statute governing the reporting of traffic convictions to the Texas Department of Public Safety provides that it may be misconduct of office and grounds for removal if the reports are not submitted. State statutes also provide that if the court does not submit a monthly report of statistics to the Office of Court Administration (OCA), the judge or clerk may be ordered by a court of superior jurisdiction to report. An example of fiscal liability is when the court fails to properly and timely report court cost payments to the State. The State will collect the unpaid amounts from the city including the 10 percent handling fee that the city would ordinarily keep if it had properly reported.

Sometimes courts have difficulty collecting data and preparing reports. This is particularly true of courts that do not have computers. In this situation, the court must develop manual processing procedures and rules for maintaining the data to help them manage the day-to-day collection of the information to enable them to timely and properly report. On the other hand, if court records are maintained electronically, the computer system usually has the ability to capture the required information in the proper format for the reports.

This guide discusses required and optional reports and specific requirements of the reports. The goal of this guide is to help clerks understand how to properly report.

## PART 1 REPORTS TO THE DEPARTMENT OF PUBLIC SAFETY

### A. Alcoholic Beverage Code

Courts are required to report to the Department of Public Safety (DPS) certain information regarding Alcoholic Beverage Code offenses committed by minors. The Alcoholic Beverage Code defines a minor as a person under the age of 21.

The information maintained by DPS regarding Alcoholic Beverage Code offenses reported by courts is confidential and may not be disclosed, except to law enforcement agencies and to courts to enable them to carry out their official duties. (Sections 106.117(c) and (d), A.B.C.) See the study guide *Juveniles and Minors* for more information on Alcoholic Beverage Code offenses.

The court is required to report the following on Alcoholic Beverage Code offenses committed by a minor:

- convictions:
  - orders of driver’s license suspension,
  - failure to complete the alcohol awareness program or community service, and
  - failure to pay fine and/or court costs or violation of a court order;
- failure to appear;
- orders of deferred disposition; and
- acquittals of driving under the influence of an alcoholic beverage.

## **1. Convictions**

### **a. Reporting Convictions**

Upon conviction, the judge is required to order in the judgment, the suspension or denial of issuance of the minor’s driver’s license for the following Alcoholic Beverage Code offenses:

- Purchase of Alcohol by a Minor (Section 106.02);
- Attempt to Purchase Alcohol by a Minor (Section 106.025);
- Consumption of Alcohol by a Minor (Section 106.04);
- Possession of Alcohol by a Minor (Section 106.05); and
- Misrepresentation of Age by a Minor (Section 106.07).

The suspension or denial is effective the 11<sup>th</sup> day after the judgment. The court’s report of the suspension or denial of issuance of driver’s license notifies DPS of the conviction. The court must use the DPS form DIC-15 for the report. The length of suspension or denial is for:

- 30 days for a first conviction; and
- 60 days for a second conviction. (Note: The court can only order the 60 day suspension if the complaint is enhanced to allege that there was a prior conviction. Also, if a defendant is under 17 years of age and the conviction is a third conviction, the suspension or denial is for 180 days. Municipal court, however, does not have jurisdiction over the third or subsequent offenses when there are two prior convictions unless the city has a juvenile case manager system under Article 45.056, C.C.P. In addition, municipal court does not have jurisdiction over third and subsequent Alcoholic Beverage Code offenses committed by minors age 17 and over because the penalty includes confinement in jail. See the study guide *Juveniles and Minors* for more information on Alcoholic Beverage Code offenses.)

### **b. Failure to Complete Alcohol Awareness Program or Community Service**

The judge is required to order in the judgment of all offenses involving minors and Alcoholic Beverage Code offenses that the defendant attend an alcohol awareness program and complete a certain number of community service hours for the following offenses:

- Purchase of Alcohol by a Minor (Section 106.02);
- Attempt to Purchase Alcohol by a Minor (Section 106.025);

- Consumption of Alcohol by a Minor (Section 106.04);
- Driving under the Influence of Alcohol by Minor (DUI) (Section 106.041);
- Possession of Alcohol by a Minor (Section 106.05); and
- Misrepresentation of Age by a Minor (Section 106.07).

If the defendant fails to show evidence of completion of the alcohol awareness program or the performance of the community service:

- the judge is required to order DPS to suspend or deny issuance of driver's license for a period of time not to exceed six months (Section 106.115(d), A.B.C.); and
- the clerk reports the judge's order to DPS using DPS form DIC-15, which notifies DPS of the beginning and ending suspension or denial of issuance period (Section 521.345, T.C.).

## **2. Persons under the Age of 17**

### **a. Failure to Pay or Violation of a Court Order**

When a person under the age of 17 fails to pay a fine and/or court costs or violates a court order, the municipal court conducts a contempt hearing. If the court retains jurisdiction of the juvenile and finds the juvenile in contempt, the court may order DPS to suspend or deny issuance of the driver's license as a sanction of the contempt. (Article 45.050(c)(2), C.C.P.)

- When the court reports the order, DPS shall suspend or deny issuance of a driver's license until the child fully complies. (Sections 521.201(8), 521.294(6), and 521.3451, T.C.)
  - This report must be submitted within two years from the failure to pay.
  - The suspension or denial of a driver's license is effective until the child fully complies and the court notifies DPS of the compliance.
- The report of the order of suspension or denial of issuance of driver's license is made on DPS form DIC-81. When the defendant makes a final disposition of the case, the court must report the final disposition to DPS. This report is also submitted to DPS on their form, DIC-81.
- A minor whose license is suspended or revoked under this statute must pay a \$100 reinstatement fee to DPS. (Section 521.313, T.C.)

### **b. Failure to Appear for Alcoholic Beverage Code Offense**

If a person under the age of 17 fails to appear for any fine-only offense, the court may order DPS to suspend or deny issuance of a driver's license. (Sections 521.201(8) and 521.294(6), T.C.)

- The report must be submitted within two years from the failure to appear.
- The suspension or denial of a driver's license is effective until the child fully complies and the court notifies DPS of the compliance. (Sections 521.201(8), 521.294(6), T.C.)
- The report of the order of suspension or denial of issuance of driver's license is made on DPS form DIC-81. When the defendant makes a final disposition of the case, the

court must report the final disposition to DPS on the DIC-81 form. A minor whose license is suspended or revoked under this statute must pay a \$100 reinstatement fee to DPS. (Section 521.313, T.C.) The defendant, however, cannot get his or her driver's license until the court has sent in a report that the defendant has made a final disposition on the case.

### **3. Orders of Deferred Disposition for an Alcoholic Beverage Code Offense**

Courts must report to DPS an Alcoholic Beverage Code offense deferred under Article 45.051, C.C.P. (Section 106.117(a)(3), A.B.C.)

- The report must be submitted to DPS when the court grants the deferred. (If the defendant fails to complete the terms of the deferral, the court, upon entering a conviction, orders the defendant's driver's license suspended and uses the DIC-15 to notify DPS of the suspension which is effective the 11<sup>th</sup> day after the judgment. The court, however, does not have to notify DPS of this suspension if the defendant failed to complete the alcohol awareness course during the deferral period because the court is required to order DPS to suspend the defendant's driver's license for a period not to exceed 180 days.)
- Notice of the deferred must be in a form prescribed by DPS and must contain the driver's license number, if any, of the defendant. (Section 106.117(c), A.B.C.) DPS requires courts to use the DIC-15 form for this report.
- If the defendant fails to complete the alcohol awareness program, a mandatory term of deferred disposition, the court must order DPS to suspend or deny issuance of the driver's license and the clerk then reports this order to DPS on the DIC-15 form.

### **4. Acquittals of Driving under the Influence**

Section 106.117(a)(4), A.B.C., requires courts to report to DPS the acquittal of the offense of driving under the influence of alcohol (DUI) by a minor. The court must submit this report on the DPS form DIC-15.

## **B. Penal Code**

### **1. Public Intoxication**

When a person under the age of 21 is charged with the offense of public intoxication, the court must follow the punishment rules required when a person is convicted of committing an Alcoholic Beverage Code offense. (Section 49.02(e), P.C.) (Note: Municipal court does not have jurisdiction over a person under the age of 17 charged with public intoxication. (Section 51.03(f), F.C.) See the study guide *Juveniles and Minors* for more information.)

Therefore, the court must:

- set the fine at no more than \$500;
- order DPS to suspend or deny issuance of the driver's license;
- require community service; and
- require attendance at an alcohol awareness program.



If the defendant does not complete the alcohol awareness program or perform the community service, the court must order DPS to suspend or deny issuance of a driver's license for a period not to exceed six months. (Sections 106.071 and 106.115, A.B.C.) This suspension or denial of issuance of driver's license is handled in the same manner as Alcoholic Beverage Code convictions. The following lists the procedures for reporting.

- The suspension takes effect on the 11<sup>th</sup> day after the date the minor is convicted (date judgment is entered).
- Clerks should submit the report as soon as possible after the judgment date.
- If the conviction is for a first offense, the suspension or denial of issuance of a driver's license is for 30 days.
- If the charge is filed as a second offense, then the conviction is a second conviction and the suspension or denial is for 60 days.
- If a defendant is under 17 years of age and the conviction is a third conviction, the suspension or denial is for 180 days. Municipal court, however, does not have jurisdiction over the third or subsequent offenses when there are two prior convictions unless the city has a juvenile case manager system under Article 45.056, C.C.P. In addition, municipal court does not have jurisdiction over third and subsequent Alcoholic Beverage Code offenses committed by minors age 17 and over because the penalty includes confinement in jail. See the study guide *Juveniles and Minors* for more information on Alcoholic Beverage Code offenses.)
- To report to DPS the order of driver's license suspension required upon conviction and the order of driver's license suspension for failure to complete the alcohol awareness program, courts must use the DIC-15 form.
- The information required to be reported is the same as for the Alcoholic Beverage Code offenses.

## **2. Possession of Alcoholic Beverage in Motor Vehicle**

The penal offense of possession of alcoholic beverage in motor vehicle in Section 49.031, P.C., is commonly called "open container law." Although this offense is in the Penal Code, it is considered a traffic offense. Courts are required to report convictions of this offense to DPS.

If courts report electronically, the court must use DPS Code 3323. Courts that report manually can submit the conviction report on a copy of the citation with the conviction information noted or use the DPS form DR-18 and complete it like any other traffic conviction. See Part 1D of this guide for information on traffic conviction reporting.

## **3. Theft of Gasoline**

Municipal court has jurisdiction over theft under Section 31.03, P.C., if the pecuniary loss is less than \$50. The court must report all convictions of theft of gasoline. After DPS receives a report of a second conviction, DPS will automatically suspend the defendant's driver's license. (Sec. 521.349, T.C.)

- The conviction is reported in the same manner as traffic convictions and should be reported as soon as possible after the conviction. If a court reports manually, the court can submit the report by one of the following methods:

- the DPS form DR-18,
- a copy of the citation, or
- by computer list. (If the court reports electronically, the report can be submitted by diskette, computer tape, or e-mail. If the court reports electronically, the DPS code is 3206.)

Section 521.349 of the Transportation Code authorizes DPS to automatically suspend the defendant's driver's license for 180 days from the date of final conviction when there is a special affirmative finding. In the event the defendant's license is revoked or the defendant does not have a driver's license, the period of license denial is 180 days after the date the person applies to the department for reinstatement or issuance of a driver's license. If the defendant has previously been denied a license under this section or had a license suspended, the period of suspension is one year from the date of a final conviction. The period of license denial is one year after the date the person applies to DPS for reinstatement or issuance of a driver's license.

#### **4. Persons under the Age of 17**

##### **a. Failure to Appear for a Penal Code Offense**

If a person under the age of 17 fails to appear for any fine-only offense, the court may order DPS to suspend or deny issuance of a driver's license. (Sections 521.201(8) and 521.294(6), T.C.)

- DPS shall revoke or deny issuance of the driver's license of a person who is at least age 14, but younger than age 17, for failure to appear when reported by a court.
  - This report must be submitted within two years from the failure to appear.
  - The suspension or denial of driver's license is effective until the child fully complies and the court notifies DPS of the compliance. (Sections 521.201(8) and 521.294(6), T.C.)
- When the defendant makes a final disposition of the case, the court must report the final disposition to DPS.
  - This report is submitted to DPS on their form DIC-81.
- When a defendant makes a final disposition on his or her case, the court must report to DPS the disposition so that the defendant can get his or her driver's license.
  - This report is also submitted on the DIC-81.
- A minor whose license is suspended or revoked under this statute must pay a \$100 reinstatement fee to DPS. (Section 521.313, T.C.)

##### **b. Failure to Pay or Violation of a Court Order for a Penal Code Offense**

When a person under the age of 17 fails to pay a fine and/or court costs or violates a court order, the municipal court conducts a contempt hearing. If the court retains jurisdiction of the juvenile and finds the juvenile in contempt, the court may order DPS to suspend or deny issuance of the driver's license as a sanction of the contempt. (Article 45.050(c)(2), C.C.P.)

- When the court reports the order, DPS shall suspend or deny issuance of a driver's license until the child fully complies. (Sections 521.201(8), 521.294(6), and 521.3451, T.C.)

- This report must be submitted within two years from the failure to pay.
- The suspension or denial of a driver’s license is effective until the child fully complies and the court notifies DPS of the compliance.
- The report of the order of suspension or denial of issuance of driver’s license is made on DPS form DIC-81. When the defendant makes a final disposition of the case, the court must report the final disposition to DPS. This report is also submitted to DPS on their form, DIC-81.
- A minor whose license is suspended or revoked under this statute must pay a \$100 reinstatement fee to DPS. (Section 521.313, T.C.)

### **C. Health and Safety Code**

The court must order a person under the age of 18 convicted of a tobacco offense to complete a tobacco awareness program. (Section 161.253, H.S.C.) Tobacco offenses include possession, purchase, consumption, or receipt of cigarettes or tobacco products. If the defendant fails to complete the tobacco awareness program or tobacco related community service, the court is required to order DPS to suspend or deny issuance of a driver’s license for a period not to exceed 180 days.

#### **1. Failure to Complete Tobacco Awareness Program**

If the defendant does not complete the tobacco awareness program, the court must order DPS to suspend or deny issuance of a driver’s license or permit.

The order must specify the period of the suspension or denial, which may not exceed 180 days after the date of the order. (Section 161.254, H.S.C.)

The court uses DPS form DIC-15 to report the failure to complete the tobacco awareness program. Although the statute does not provide how long the court has to submit the DIC-15 form, it should be submitted as soon as possible after the judge orders the suspension so that DPS can immediately start the suspension process.

#### **2. Persons under the Age of 17**

##### **a. Failure to Appear for a Health and Safety Code Offense**

If a person under the age of 17 fails to appear for any fine-only offense, the court may order DPS to suspend or deny issuance of a driver’s license. (Sections 521.201(8) and 521.294(6), T.C.)

- DPS shall revoke or deny issuance of the driver’s license of a person who is at least age 14, but younger than age 17, for failure to appear when reported by a court.
  - This report must be submitted within two years from the failure to appear.
  - The suspension or denial of driver’s license is effective until the child fully complies and the court notifies DPS of the compliance. (Sections 521.201(8), 521.294(6), and 521.3451, T.C.)
- The reports are submitted to DPS on their form, DIC-81.
- A minor whose license is suspended or revoked under this statute must pay a \$100 reinstatement fee to DPS. (Section 521.313, T.C.)

## **b. Failure to Pay or Violation of a Court Order for a Health and Safety Code Offense**

When a person under the age of 17 fails to pay a fine and/or court costs or violates a court order, the municipal court conducts a contempt hearing. If the court retains jurisdiction of the juvenile and finds the juvenile in contempt, the court may order DPS to suspend or deny issuance of the driver's license as a sanction of the contempt. (Article 45.050(c)(2), C.C.P.)

- When the court reports the order, DPS shall suspend or deny issuance of a driver's license until the child fully complies. (Sections 521.201(8), 521.294(6), and 521.3451, T.C.)
  - This report must be submitted within two years from the failure to pay.
  - The suspension or denial of a driver's license is effective until the child fully complies and the court notifies DPS of the compliance.
- The report of the order of suspension or denial of issuance of driver's license is made on DPS form DIC-81. When the defendant makes a final disposition of the case, the court must report the final disposition to DPS. This report is also submitted to DPS on their form, DIC-81.
- A minor whose license is suspended or revoked under this statute must pay a \$100 reinstatement fee to DPS. (Section 521.313, T.C.)

## **D. Transportation Code**

Each magistrate or judge of a non-record court and each clerk of a court of record must maintain records of cases involving a violation of laws regulating the operation of vehicles on highways. (Section 543.201, T.C.) Although judges in courts of non-record are required to keep records of defendants charged with traffic violations, judges usually delegated this duty to clerks because there is no discretion in keeping the record. Courts are required to report the following information on all traffic violations:

- convictions (Section 543.201, T.C.);
- forfeiture of bail (Sections 543.201 and 521.347(b) and (c), T.C.);
- convictions under Section 521.025, T.C. (Section 521.025(e), T.C.);
- convictions under Section 521.453, T.C. (section 521.347(b), T.C.);
- convictions under Section 621.506 (Section 621.506(d), T.C.);
- driving safety course or motorcycle operator training course completions (Article 45.0511(l), C.C.P.);
- teen court completions (Article 45.052 (d), C.C.P.);
- minor's failure to appear (Section 521.3452, T.C.);
- minor's failure to pay or violation of a court order (Article 45.050, C.C.P. and Section 521.3451, T.C.); and
- defendant's failure to comply with the Nonresident Violator Compact (Chapter 703, T.C.).

## **1. Convictions and Forfeitures of Bail**

Section 543.201, T.C., requires each magistrate or judge of a non-record municipal court and the clerk of municipal courts of record to keep records of each case in which a person is charged with a violation of law regulating the operation of vehicles on highways.

### **a. Time Required to Report**

Section 543.203, T.C., requires judges or clerks to submit to DPS a record of conviction or forfeiture on the traffic cases no later than the 30<sup>th</sup> day after the date of the conviction or forfeiture. The court counts the 30 days starting with the day after the of date the judgment or final judgment of a bond forfeiture was entered (the day the judgment was signed). (Section 311.014, G.C.)

The following examples illustrate reporting time for convictions.

- When a defendant makes an appearance by mail and pays the fine or delivers to the court a plea and fine payment, the clerk must give the fine payment to the judge to accept and enter a judgment of conviction. In this instance, the court starts counting the 30 days after the day the judge enters judgment, not from the time the court receives the payment.
- When a court grants an extension or a time payment plan, the court does not wait to receive the final payment before reporting. The court determines the proper reporting period by counting 30 days from the day the judgment was entered by the judge not from the date the court receives the final payment.
- When a defendant discharges a fine by community service, the court starts counting the 30-day time period starting with the day after judgment was entered by the judge, not when the defendant completed the community service.
- When a defendant charged with a traffic offense posts bond and fails to appear, a forfeiture of bail is declared. At the end of forfeiture process, which usually takes about three months, if the court enters a final judgment for the State, the court must report the bond forfeiture on the traffic offense as if it were a conviction. The clerk has 30 days starting from the day after final judgment was entered to report the forfeiture to DPS.

The report required to be submitted to DPS by a magistrate, judge, or clerk must contain the date of conviction or forfeiture of bail. (Section 543.203, T.C.)

### **b. Information Required To Be Reported**

The DPS report must contain the following information:

- name and address of the defendant;
- physical description, including race or ethnicity (“Race or ethnicity” means a particular descent, such as Caucasian, African, Hispanic, Asian, or Native American descent.);
- date of birth;
- defendant’s driver’s license number, if any, and type (class C, class B, class A, or a class M license);

- whether the driver's license is a commercial driver's license;
- registration number of vehicle involved;
- offense;
  - if conviction is for speeding, court must report if speeding is 10 percent above posted limit (DPS code 3586);
  - if conviction is for speeding, court must report if speeding occurred in a school zone (DPS code 3596);
- whether a search of the vehicle was conducted and whether consent for the search was obtained;
- date and nature of offense;
- date of hearing or trial;
- plea;
- judgment, whether bail was forfeited (final forfeiture), the date of completion of a driving safety course, or date of completion of teen court; and
- amount of fine or forfeiture of bail.

**c. Information Required To Be Reported on Drivers of CMVs**

Section 543.202, T.C., requires the DR-18 report of traffic convictions of commercial drivers operating a commercial motor vehicle (CMV) contain the following additional information:

- commercial driver's license number and social security number, if available;
- that the vehicle was a commercial motor vehicle;
- whether the vehicle was involved in the transporting of hazardous materials; and
- date and nature of offense, including whether the offense was a serious traffic offense as defined in Section 522.003(25), T.C. (Serious traffic offenses arise from the driving of a commercial motor vehicle for excessive speeding over 15 mph or more; reckless driving; violations of state and local traffic laws other than parking, weight, or vehicle defect violations, arising in connection with a fatal accident; improper or erratic lane change; or following too closely.)

**d. Methods of Reporting**

The report can be made by different methods.

- If a court reports manually, the court can report by submitting the information on:
  - DPS form DR-18,
  - a legible duplicate copy of the citation, or
  - a computer list.
- If the court reports electronically, the court can submit the report by diskette, e-mail, or magnetic tape.

### **e. Failure to Submit Report**

If a judge, magistrate, or clerk fails to submit a traffic conviction report to DPS, he or she may be removed from office. (Section 543.206, T.C.) Failure to report may constitute misconduct of office. Misconduct of office is any unlawful behavior by a public officer in relation to the duties of his or her office. It includes a failure to act when there is an affirmative duty to act.

### **2. Convictions under Section 521.453, T.C.**

Section 521.453, T.C., says that a person may not sell, manufacture, distribute, or possess a document that is deceptively similar to a driver's license or a personal identification certificate issued by DPS unless the document displays the statement "NOT A GOVERNMENT DOCUMENT" diagonally printed clearly and indelibly on both the front and back of the document in solid red capital letters at least one-fourth inch in height.

DPS will automatically suspend a person convicted of this offense upon receiving a report of conviction from the court. (Sec. 521.453, T.C.)

- Section 521.346, T.C., provides that the period of suspension shall be for not less than 90 days or more than one year.
- The court must report this conviction on DPS form DIC-21. (This form is used to report any offense that carries an automatic driver's license suspension upon conviction.)

The court in which the person is convicted may require the surrender to the court all driver's licenses held by the person. (Section 521.347, T.C.) If the court requires a defendant to surrender his or her driver's license, the clerk must send the license with a report of the conviction or final bond forfeiture to DPS by the 10<sup>th</sup> day after the license is surrendered. (Section 521.347, T.C.)

### **3. Passing School Bus**

On a second or subsequent conviction the court may order the driver's license of a person convicted of a second or subsequent offense under Section 545.066, T.C. The suspension cannot be for any longer than six months beginning on the date of conviction. The court uses the DIC-15 form to notify DPS of the court order of suspension.

### **4. Driving Safety Course or Motorcycle Operator Training Course Completion**

Defendants may elect to take a driving safety course (DSC) or a motorcycle operator training course (MOC), whichever is applicable, to have certain traffic violations dismissed. (Article 45.0511, C.C.P.) When the defendant completes the course and timely submits proof to the court, the court must dismiss the case and report to DPS the date of completion of the course.

The completion date of the DSC or MOC can be reported:

- on the DPS form DR-18,
- by a copy of the citation,
- by computer list, or
- electronically by diskette, computer tape, or e-mail.

## **5. Teen Court Completion**

If a defendant charged with a traffic offense is granted teen court under Article 45.052, C.C.P., the court is required to report the completion date of the teen court program. (Article 45.052(d), C.C.P.)

The report can be made:

- on the DPS form DR-18,
- by a copy of the citation,
- by computer list, or
- electronically by diskette, computer tape, or e-mail.

## **6. Persons under the Age of 17**

### **a. Failure to Appear for a Transportation Code Offense**

Section 521.3452, T.C., requires courts to report to DPS a person under the age of 17 charged with a traffic offense who fails to appear.

- DPS will suspend or deny issuance of a driver's license to any person under the age of 17 charged with a traffic offense who fails to appear. (Sections 521.201(7) and 521.294 (6), T.C.)
- This report must be submitted within two years from the failure to pay. (Sec. 521.294, T.C.)
- DPS may not reinstate a license until the court files an additional report on the final disposition of the case. (Sections 521.201(7) and 521.294 (6), T.C.)
- A minor whose license is suspended or revoked under this statute must pay a \$100 reinstatement fee to DPS. (Section 521.313, T.C.)
- Courts must use DPS form DIC-81 to report the failure to appear of a person under the age of 17.

### **b. Failure to Pay or Violation of a Court Order of a Transportation Code Offense**

When a person under the age of 17 fails to pay a fine and/or court costs or violates a court order, the municipal court conducts a contempt hearing. If the court retains jurisdiction of the juvenile and finds the juvenile in contempt, the court may order DPS to suspend or deny issuance of the driver's license as a sanction of the contempt. (Article 45.050(c)(2), C.C.P.)

- When the court reports the order, DPS shall suspend or deny issuance of a driver's license until the child fully complies. (Sections 521.201(8), 521.294(6), and 521.3451, T.C.)
  - This report must be submitted within two years from the failure to pay. (Sec. 521.3451, T.C.)
  - The suspension or denial of driver's license is effective until the child fully complies and the court notifies DPS of the compliance.



- The report of the order of suspension or denial of issuance of driver's license is made on DPS form DIC-81. When the defendant makes a final disposition of the case, the court must report the final disposition to DPS. This report is also submitted to DPS on their form, DIC-81.
- A minor whose license is suspended or revoked under this statute must pay a \$100 reinstatement fee to DPS. (Section 521.313, T.C.)

## **7. Failure to Comply with the *Nonresident Violator Compact***

Under the terms of the *Nonresident Violator Compact* of 1977, DPS must request driver's license suspension of any resident of a member state who receives a citation for a traffic violation in Texas, fails to respond to the citation, and is reported to DPS by a court. The other members of the *Compact* may also request the suspension of the driver's license of any Texas resident who fails to respond to a citation in the other state's respective jurisdiction. (Chapter 703, T.C.) All states are members, except for Alaska, California, Michigan, Montana, Oregon, and Wisconsin.

### **a. Procedures**

When an out-of-state violator fails to respond to a citation or to pay a fine for a violation, the court reports to DPS using the six-page *Notice of Failure to Comply* form. Contact DPS at 512/424-2028 for information about where to order the form. The steps to report non-compliance of an out-of-state violator are as follows:

- mail original, or first page, of form to the defendant;
- hold form in file for 15 days to await response from defendant;
- if defendant fails to answer notice, mail second and third pages of the form to DPS (DPS will notify the motorist's home state of the non-compliance.);
- hold fourth, fifth, and sixth pages of the notice in the court file; and
- when the defendant resolves the case; mail fourth page (defendant's receipt) to defendant and fifth page (notice of withdrawal of suspension) to DPS.

### **b. Statutorily Exempt Violations**

Section 703.002, Article III, T.C., says that no action will be taken under the terms of the *Nonresident Violator Compact* for the following violations:

- moving traffic violations which alone carry a suspension;
- equipment violations;
- motor carrier violations;
- lease law violations;
- registration law violations;
- offenses which mandate personal appearance;
- size and weight limit violations;
- parking or standing violations; and
- transportation of hazardous material violations.

### **c. Time Limit for Reporting**

DPS may not transmit a report on any violation if the date of the transmission is more than six months after the date on which the traffic citation was issued. (Section 703.002, Article III(f), T.C.)

### **8. Prohibited Reporting of Traffic Cases Deferred**

A municipal judge who places a defendant on deferred disposition for a traffic case under Article 45.051, C.C.P., may not submit a written record to DPS unless the judge subsequently adjudicates the defendant's guilt because the defendant failed to comply with the terms of the deferred. Then the judge must submit the record not later than the 30<sup>th</sup> day after the date on which the judge adjudicates guilt. (Section 543.204, T.C.) This conviction record is submitted either electronically by diskette, by e-mail, manually by computer list, by a copy of the citation with conviction information, or by DPS form DR-18.

### **E. Education Code**

#### **1. Failure to Attend School**

##### **a. Driver's License Suspension or Denial Sanction**

Article 45.054, C.C.P., which is the statute containing the proceedings for the offense of failure to attend school, permits the court to order in addition to any other order under Article 45.054, DPS to suspend or deny issuance of a driver's license or permit. (Article 45.054(f), C.C.P.)

- The suspension or denial of issuance of a driver's license and permit cannot exceed 365 days. (Article 45.054(f), C.C.P.)
- The court must use DPS form DIC-15 to report the order of driver's license suspension.
- The report should be submitted as soon as possible after the order of suspension or denial.

##### **b. Persons under the Age of 17**

###### **(1) Failure to Appear for the Offense of Failure to Attend School**

DPS may revoke or deny issuance of the driver's license of a person who is at least age 14, but younger than age 17, for failure to appear for any fine-only offense when reported by a court. This report must be submitted within two years from the failure to appear. (Sections 521.201(8) and 521.294(6), T.C.)

- The suspension or denial of driver's license is effective until the child fully complies and the court notifies DPS of the compliance. (Sections 521.201(8) and 521.294(6), T.C.)
- The report of the order of suspension or denial of issuance of driver's license is made on DPS form DIC-81. When the defendant makes a final disposition of the case, the court must report the final disposition to DPS. This report is also submitted to DPS on their form, DIC-81.

- A minor whose license is suspended or revoked under this statute must pay a \$100 reinstatement fee to DPS. (Section 521.313, T.C.)

## **(2) Failure to Pay or Violation of a Court Order for Failure to Attend School**

Failure to comply with a court order under Article 45.054, C.C.P., or under Article 45.057, C.C.P., is enforced by Article 45.050, C.C.P. Article 45.050 provides that when a child fails to pay a fine or violates a court order, the municipal court may, if it retains jurisdiction, order DPS to suspend or deny issuance of the child's driver's license or permit until the child has fully complied with the orders of the court. (Article 45.050(c)(2)(B), C.C.P.)

- When the court reports the order, DPS shall suspend or deny issuance of a driver's license until the child fully complies. (Sections 521.201(8) and 521.294(6), T.C.)
  - This report must be submitted within two years from the failure to pay.
  - The suspension or denial of driver's license is effective until the child fully complies and the court notifies DPS of the compliance.
- The report of the order of suspension or denial of issuance of driver's license is made on DPS form DIC-81. When the defendant makes a final disposition of the case, the court must report the final disposition to DPS. This report is also submitted to DPS on their form, DIC-81.
- A minor whose license is suspended or revoked under this statute must pay a \$100 reinstatement fee to DPS. (Section 521.313, T.C.)

## **2. Failure to Appear for Any Education Code Offense**

If a person under the age of 17 fails to appear for any Education Code offenses, the court may order DPS to suspend or deny issuance of a driver's license. (Sections 521.201(8) and 521.294(6), T.C.)

- DPS shall revoke or deny issuance of the driver's license of a person who is at least age 14, but younger than age 17, for failure to appear when reported by a court.
- This report must be submitted within two years from the failure to appear.
- The suspension or denial of driver's license is effective until the child fully complies and the court notifies DPS of the compliance. (Sections 521.201(8), 521.294(6), and 521.3451, T.C.)
- When the defendant makes a final disposition of the case, the court must report the final disposition to DPS.
- This report is submitted to DPS on their form, DIC-81.
- When a defendant makes a final disposition on his or her case, the court must report to DPS the disposition so that the defendant can get his or her driver's license. This report is also submitted on DPS form DIC-81.
- A minor whose license is suspended or revoked under this statute must pay a \$100 reinstatement fee to DPS. (Section 521.313, T.C.)

### **3. Failure to Pay or Violation of a Court Order for Any Education Code Offense**

Article 45.057, C.C.P., which provides for additional sanctions the court may require of a juvenile under the age of 17, is enforced by Article 45.050, C.C.P. Article 45.050, provides that when a child fails to pay a fine or violates a court order, the municipal court may, if it retains jurisdiction, order DPS to suspend or deny issuance of the child's driver's license or permit until the child has fully complied with the orders of the court. (Article 45.050(c)(2)(B), C.C.P.)

- Article 45.050, C.C.P., provides that DPS shall suspend or deny issuance of a driver's license until the child fully complies.
- DPS shall revoke or deny issuance of the driver's license of a person who is at least age 14, but younger than age 17, for default in payment of fine when reported by a court.
- This report must be submitted within two years from the failure to pay.
- The suspension or denial of driver's license is effective until the child fully complies and the court notifies DPS of the compliance. (Sections 521.201(8), 521.294(6), and 521.3451, T.C.)
- Article 45.050(c)(2)(B), C.C.P., provides if the child fails to pay or violates a court order, the court must order DPS to suspend or deny issuance of a driver's license until the child fully complies.
- The report of the order of suspension or denial of issuance of driver's license is made on DPS form DIC-81.
- When the defendant makes a final disposition of the case, the court must report the final disposition to DPS. This report is also submitted to DPS on their form, DIC-81.
- A minor whose license is suspended or revoked under this statute must pay a \$100 reinstatement fee to DPS. (Section 521.313, T.C.)

### **F. New Trial**

When a defendant requests a new trial, the court does not report a conviction or order of driver's license suspension or denial unless the defendant is not granted the new trial and does not appeal. If a new trial is granted, the court reports only if the defendant is convicted at the second trial and does not appeal. The report would be submitted in the same manner and use the same methods or forms as if no new trial had been granted.

### **G. Appeals**

When a defendant appeals his or her conviction, the municipal court does not report the conviction or driver's license suspension because the municipal court judgment is not a final conviction. In non-record courts, if the defendant is convicted in the county court, the county court reports the conviction to DPS. In municipal courts of record, if the judgment is affirmed on appeal, then the municipal court reports the conviction.

## H. Chart of Forms

	DIC-15	DIC-81	DR-18	DIC-21
<b>Alcoholic Beverage Code</b>	<p><b>Chapter 106 (Minors under the age of 21)</b></p> <ul style="list-style-type: none"> <li>• Convictions: driver’s license suspensions or denial of driver’s license (Sec. 106.071.A.B.C.).</li> <li>• Acquittals of DUI (Sec. 106.117(4), A.B.C.).</li> <li>• Orders of deferred disposition (Sec. 106/117(3), A.B.C.).</li> <li>• Failure to complete alcohol awareness program: court must order suspension or denial of driver’s license (Sec. 106.115(c) and (d), A.B.C.).</li> <li>• Failure to complete community service: court must order suspension or denial of driver’s license (sec. 106.115(c) and (d), A.B.C.).</li> </ul>	<p><b>Under Age 17</b></p> <ul style="list-style-type: none"> <li>• Failure to appear: DPS will suspend or deny issuance of driver’s license (Automatic suspension under Sec. 521.3452, T.C.).</li> <li>• Failure to pay: court conducts a contempt hearing under Art. 45.050, C.C.P., and judge orders driver’s license suspended or denied issuance as a sanction of contempt; clerk notifies DPS of order.</li> </ul>		
<b>Education Code</b>	<p><b>Failure to Attend School (Sec. 25.094, E.C.) (Procedures in Art. 45.054(f), C.C.P.)</b></p> <p>Discretionary sanction: court may order driver’s license suspended not to exceed 365 days.</p>	<p><b>Under Age 17</b></p> <ul style="list-style-type: none"> <li>• Failure to appear: DPS will suspend or deny issuance of driver’s licenses (Automatic suspension under Sec. 521.3452, T.C.).</li> <li>• Failure to pay: court conducts a contempt hearing under Art. 45.050, C.C.P., and judge orders driver’s license suspended or denied issuance as a sanction of contempt; clerk notifies DPS of order.</li> </ul>		
<b>Health and Safety Code</b>	<p><b>Possession, Purchase, Consumption, or Receipt of Cigarettes or Tobacco Products by Minors— Under Age 18 (Sec. 161.252, H.S.C.)</b></p> <p>Failure to complete the tobacco awareness program or tobacco related community service: court must order DPS to suspend or deny issuance of driver’s license (Sec. 161.254, H.S.C.).</p>	<p><b>Under Age 17</b></p> <ul style="list-style-type: none"> <li>• Failure to appear: DPS will suspend or deny issuance of driver’s licenses (Automatic suspension under Sec. 521.3452, T.C.).</li> <li>• Failure to pay: court conducts a contempt hearing under Art. 45.050, C.C.P., and judge orders driver’s license suspended or denied issuance as a sanction of contempt; clerk notifies DPS of order.</li> </ul>		

	DIC-15	DIC-81	DR-18	DIC-21
<b>Penal Code</b>	<p><b>Public Intoxication (Age 17 and under age 21) Sec. 49.02(e), P.C.</b></p> <ul style="list-style-type: none"> <li>• Convictions: driver's license suspensions or denial of driver's license.</li> <li>• Orders of deferred disposition.</li> <li>• Failure to complete alcohol awareness program: court must order suspension or denial of driver's license.</li> <li>• Failure to complete community service: court must order suspension or denial of driver's license.</li> </ul>	<p><b>Under Age 17</b></p> <ul style="list-style-type: none"> <li>• Failure to appear: DPS will suspend or deny issuance of driver's license (Automatic suspension under Sec. 521.3452, T.C.).</li> <li>• Failure to pay: court conducts a contempt hearing under Art. 45.050, C.C.P., and judge orders driver's license suspended or denied issuance as a sanction of contempt; clerk notifies DPS of order.</li> </ul>	<ul style="list-style-type: none"> <li>• Motor Vehicle Fuel Theft (Sec. 31.03, P.C.) or if reporting electronically use DPS code 3206.</li> <li>• Open Container (Sec. 49.031, P.C.) or if reporting electronically use DPS code 3323.</li> </ul>	
<b>Transportation Code</b>	<p><b>Passing School Bus (Sec. 545.066(d), T.C.)</b></p> <p>On second or subsequent conviction, court may order driver's license suspended for not longer than six months beginning on date of conviction.</p>	<p><b>Under Age 17</b></p> <ul style="list-style-type: none"> <li>• Failure to appear: DPS will suspend or deny issuance of driver's licenses (Automatic suspension under Sec. 521.3452, T.C.).</li> <li>• Failure to pay: court conducts a contempt hearing under Art. 45.050, C.C.P., and judge orders driver's license suspended or denied issuance as a sanction of contempt; clerk notifies DPS of order.</li> </ul>	<p>If not reporting electronically, can use DR-18 or back of citation.</p> <ul style="list-style-type: none"> <li>• Report all traffic convictions and final forfeiture of bond including convictions and forfeitures of city traffic ordinances (Sec. 543.201, T.C.).</li> <li>• Dismissals of DSC or motorcycle safety course (Art. 45.0511(c), C.C.P.)</li> </ul>	<p>Convictions of offenses under Sec. 521.453, T.C. (Driver's license suspension is not less than 90 days or more than one year. (Sec. 521.346, T.C.)</p>

## I. Information Reported on Forms

### 1. DIC-15

Information reported on the DIC-15 form includes the following:

- name, date of birth, race, and gender;
- driver's license number, identification number, or social security number;
- address;
- offense committed:
  - for alcohol offenses, including public intoxication, the failure to complete the alcohol awareness program or community service;
  - for tobacco offenses, the failure to complete the tobacco awareness program; or
  - for the offense of failure to attend school, the driver's license suspension as a sanction;
  - for second or subsequent offense of passing a school bus (court has option to suspend driver's license as a sanction);
- date of offense;

- cause number; and
- dates of the suspension:
  - in the case of a conviction of an alcohol offense including public intoxication, since the suspension is automatically effective on the 11<sup>th</sup> day after judgment, report the 11<sup>th</sup> day after the judgment as the beginning date and report the ending date of the suspension as noted in the judgment;
  - in the case of failure to complete an alcohol awareness program or community service for an alcohol offense, or a tobacco awareness program, report the suspension dates (not to exceed 180 days) noted in the court order; and
  - in the case of failure to attend school, report the dates of the driver’s license suspension ordered by the court as a sanction.

## **2. DIC-81**

To report the failure to appear or contempt for failure to pay, or violation of a court order under Article 45.050, C.C.P., of a person under the age of 17, courts must use the DIC-81 form. If the defendant appears in court and complies with all court orders, courts use the same DIC-81 form to report the final disposition.

The following information is required to be reported:

- name, date of birth, race, and gender;
- driver’s license number, identification number, or social security number;
- address;
- offense committed;
- date of offense;
- whether it is failure to appear, contempt for failure to pay, or violation of a court order under Article 45.050, C.C.P.; and
- upon final disposition, date of final disposition.

## **3. DR-18**

Section 543.202, T.C., requires a written record of a traffic conviction, including a conviction of the penal offense of possession of alcoholic beverage in motor vehicle under Section 49.031, or final forfeiture of a bond filed for a traffic offense be reported to DPS. The information must contain the following:

- name and address of the defendant;
- physical description, including race or ethnicity (“Race or ethnicity” means a particular descent, such as Caucasian, African, Hispanic, Asian, or Native American descent.);
- date of birth;
- defendant’s driver’s license number, if any, and type;
- whether the driver’s license is commercial driver’s license;
- registration number of vehicle involved;

- offense;
  - if conviction is for speeding, court must report if speeding is 10 percent above posted limit;
  - if conviction is for no driver's license, court must report if driver's license is a class C, class B, class A, or a class M license;
- whether a search of the vehicle was conducted and whether consent for the search was obtained;
- date and nature of offense;
- date of hearing or trial;
- plea;
- judgment, whether bail was forfeited (final forfeiture), the date of completion of a driving safety course, or date of completion of teen court; and
- amount of fine or forfeiture of bail.

Section 543.202, T.C., requires the DR-18 report of traffic convictions of commercial drivers operating a commercial motor vehicle to contain the following additional information:

- commercial driver's license number and social security number, if available;
- that the vehicle was a commercial motor vehicle;
- whether the vehicle was involved in the transporting of hazardous materials; and
- date and nature of offense, including whether the offense was a serious traffic offense as defined in Section 522.003(25), T.C. (Serious traffic offenses arise from the driving of a commercial motor vehicle for excessive speeding over 15 mph or more; reckless driving; violations of state and local traffic laws other than parking, weight, or vehicle defect violations, arising in connection with a fatal accident; improper or erratic lane change; or following too closely.)

#### **4. DIC-21**

When a defendant is convicted of an offense charged under Section 521.453, T.C., the court must report this conviction to DPS on DPS form DIC-21. This form is used to report any offense that carries an automatic driver's license suspension upon conviction. Information that must be reported on DIC-21 includes the following:

- name;
- address of defendant;
- social security number;
- race;
- gender;
- offense committed;
- date offense committed;
- conviction date;



- beginning and ending dates of suspension [Court sets period of suspension of not less than 90 days or more than one year. If the court does not set the period, the department is required to suspend the license for one year. (Section 521.346, T.C.)];
- name and title of person certifying information on report;
- court address;
- docket number; and
- city and county.

**I. Addresses to Send Reports**

**1. Automated Reports**

Send automated reports to:

Texas Department of Public Safety  
 Driver Records/Data Submission  
 P.O. Box 4087  
 Austin, Texas 78773-0364

**2. Manual Reports**

Send manual reports to:

Texas Department of Public Safety  
 Driver Records/Ticket Verification  
 P.O. Box 4087  
 Austin, Texas 78773-0361

**3. To Correct an Error**

To correct an error, send correction to the above address or call one of the following telephone numbers: 512/424-2031; 512/424-3545; or 512/424-5988. Error resolution can be done by telephone, except for the offense of failure to maintain financial responsibility. For that offense, DPS must have the correction in writing.

Q. 1.	When a defendant is convicted of an Alcoholic Beverage Code offense, what information is the court required to report to DPS? _____ _____
Q. 2.	When is a suspension or denial of a driver’s license for a conviction of an Alcoholic Beverage Code offense effective? _____ _____
Q. 3.	What DPS form does the court use to report a conviction for an Alcoholic Beverage Code offense? _____

- Q. 4. What is the penalty when a defendant over the age of 17 is charged a third time after two prior convictions for the offense of possession of an alcoholic beverage by a minor? \_\_\_\_\_
- Q. 5. What is the maximum length of time of the driver's license suspension a judge can order when a defendant fails to complete an alcohol awareness program? \_\_\_\_\_
- Q. 6. What form is the court required to use to notify DPS of the court's order suspending the driver's license of a defendant who failed to complete the alcohol awareness program? \_\_\_\_\_
- Q. 7. When can a court order the driver's license suspended after a defendant under the age of 17 fails to pay a fine and costs? \_\_\_\_\_
- Q. 8. When a defendant under the age of 17 fails to appear for any fine-only offense, how long does the court have to submit a report to DPS to suspend or deny issuance of a driver's license? \_\_\_\_\_
- Q. 9. When a defendant charged with an Alcoholic Beverage Code offense is granted deferred disposition, what must the court report to DPS? \_\_\_\_\_
- Q. 10. If a defendant is found not guilty of the offense of driving under the influence of alcohol by a minor, what is the court required to report to DPS? \_\_\_\_\_
- Q. 11. What is the penalty for a defendant under the age of 21 convicted of the offense of public intoxication? \_\_\_\_\_
- Q. 12. Although the offense of possession of an alcoholic beverage in motor vehicle is a Penal Code offense, what is the court required to report to DPS? \_\_\_\_\_
- Q. 13. What is the court required to report for conviction of theft of gasoline? \_\_\_\_\_
- Q. 14. For what offenses must a defendant complete a tobacco awareness program? \_\_\_\_\_
- Q. 15. If a defendant does not complete a tobacco awareness program, what is the court required to order DPS to do? \_\_\_\_\_
- Q. 16. Who is required to keep a record of defendants charged with traffic offenses? \_\_\_\_\_
- Q. 17. Who may keep the records of defendants charged with traffic offenses? \_\_\_\_\_

True and False

- Q. 18. The court is required to send notice of all traffic convictions to the DPS. \_\_\_\_\_

- Q. 19. The court is required to notify the DPS of convictions for city ordinance traffic offenses. \_\_\_\_\_
- Q. 20. The court must report to DPS final judgments on bond forfeitures for traffic offenses. \_\_\_\_\_
- Q. 21. When clerks receive payments in the office or through the mail, they must give the judge those cases to enter the judgment. \_\_\_\_\_
- Q. 22. When a defendant is granted a time payment plan to pay a fine, the court waits until the final payment before reporting the conviction to the DPS. \_\_\_\_\_
- Q. 23. When a defendant discharges a traffic fine by community service, the court does not report that traffic conviction to DPS because the court did not collect any money. \_\_\_\_\_

End True/False

- Q. 24. List information to be reported to DPS on drivers of CMVs. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- Q. 25. Failure to report traffic convictions to the DPS could constitute what offense? \_\_\_\_\_  
 \_\_\_\_\_
- Q. 26. When a defendant is convicted of an offense that requires automatic driver's license suspension, what may the court do with the defendant's driver's license? \_\_\_\_\_  
 \_\_\_\_\_
- Q. 27. When a court suspends a license for an offense that requires automatic driver's license suspension, what is the minimum and maximum amount of time the court may suspend the license? \_\_\_\_\_  
 \_\_\_\_\_
- Q. 28. When a defendant is convicted of an offense that requires an automatic driver's license suspension, what form must the court use to report that conviction? \_\_\_\_\_  
 \_\_\_\_\_
- Q. 29. When a court reports to the DPS a defendant's completion of a driving safety course, what information must the court report? \_\_\_\_\_  
 \_\_\_\_\_
- Q. 30. What must the court report when a defendant charged with a traffic offense completes teen court? \_\_\_\_\_
- Q. 31. What does a court do when a defendant under the age of 17 fails to appear or fails to pay a fine for a traffic offense? \_\_\_\_\_  
 \_\_\_\_\_
- Q. 32. If an out-of-state defendant fails to appear, what can the court do? \_\_\_\_\_  
 \_\_\_\_\_
- Q. 33. If an out-of-state defendant resolves the case with the court, what is the court required to do? \_\_\_\_\_

- Q. 34. List violations committed by an out-of-state violator that the court may not report under the Nonresident Violator Compact. \_\_\_\_\_  
\_\_\_\_\_
- Q. 35. Why should clerks report an out-of-state violator as soon as they fail to appear or fail to pay? \_\_\_\_\_  
\_\_\_\_\_
- Q. 36. When a court grants deferred disposition to a defendant charged with a traffic offense, what does the court report to DPS? \_\_\_\_\_  
\_\_\_\_\_
- Q. 37. If a court suspends or denies issuance of a defendant's driver's license for a conviction for the offense of failure to attend school, for how long may the suspension or denial be? \_\_\_\_\_  
\_\_\_\_\_
- Q. 38. What happens if a defendant appeals his or her traffic conviction? \_\_\_\_\_  
\_\_\_\_\_
- Q. 39. When a defendant convicted of a traffic offense is granted a new trial, when does a court report a conviction? \_\_\_\_\_  
\_\_\_\_\_
- Q. 40. When a defendant operating a commercial motor vehicle is convicted, what additional information must be reported to DPS? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Q. 41. Which offense is reported on the DIC-21 form? \_\_\_\_\_  
\_\_\_\_\_

## PART 2 REPORTS TO THE TEXAS COMMISSION ON ALCOHOL AND DRUG ABUSE

Section 106.116, A.B.C., requires courts to furnish upon request a notice of conviction of Alcoholic Beverage Code offenses to the Texas Commission on Alcohol and Drug Abuse (TCADA). These offenses include:

- Purchase of Alcohol by a Minor (Section 106.02);
- Attempt to Purchase Alcohol by a Minor (Section 106.025);
- Consumption of Alcohol by a Minor (Section 106.04);
- Driving under the Influence of Alcohol by a Minor (Section 106.041);
- Possession of Alcohol by a Minor (Section 106.05); and
- Misrepresentation of Age by a Minor (Section 106.07).

The report must be in the form approved by the TCADA (Section 106.116, A.B.C.). If TCADA wants to obtain information from a court, it will send a request to the court with a copy of the form in which to submit the information.

Q. 42. If the Texas Commission on Alcohol and Drug Abuse requests a report from the municipal court, what information is the clerk required to provide? \_\_\_\_\_

### **PART 3**

#### **REPORT TO THE OFFICE OF COURT ADMINISTRATION**

The Office of Court Administration (OCA) is a state agency that operates under the direction and supervision of the Supreme Court. It was established in 1977. Its mission is to provide administrative assistance and technical support to all of the courts in the State. The Supreme Court appoints the Administrative Director of the OCA who also serves as the Executive Director of the Texas Judicial Council. (Sections 72.011 and 72.012, G.C.)

The Texas Judicial Council, which is composed of 16 *ex-officio* and six appointed members, is the policy-making body for the state judiciary. The Council uses the information reported by the courts to the Office of Court Administration to study methods to simplify judicial procedures, expedite court business, and better administer justice. It examines the work accomplished by the courts and submits recommendations for improvement of the system to the legislature, the governor, and the Supreme Court.

#### **A. Notification of City Appointments and Elections**

The city secretary is required to notify the Texas Judicial Council of the name of each person who is elected or appointed as mayor, municipal judge, and clerk of municipal court within 30 days after the date of the person's election or appointment. (Section 22.073(c), L.G.C.)

#### **B. Official Municipal Court Monthly Report**

It is a duty of each judge, clerk, or other court official to report statistical information pertaining to the business transacted by the court to the Office of Court Administration. If an official fails to submit the report, the Office of Court Administration can request the information from the official. If after a reasonable amount of time after the request, the official does not supply the information, he or she is presumed to have willfully refused the request. (Section 71.035, G.C.)

The duty to supply information may be enforced by a writ of *mandamus*. The Attorney General must file and prosecute an action for *mandamus* on behalf of the Texas Judicial Council if requested to do so in writing by the Council. A writ of *mandamus* is an order from a court of superior jurisdiction to compel the municipal judge or clerk to perform a particular act that he or she has a duty to do. If a writ of *mandamus* is issued because a court failed to properly report, the writ would order the court to submit the monthly statistical report to the Office of Court Administration. All courts, except for the Supreme Court and the Court of Criminal Appeals, are required to submit a report monthly.

#### **1. Time Requirement**

Municipal judges or clerks must submit to the Office of Court Administration the court activity report for each month by the 20<sup>th</sup> day following the end of the month being reported. (Sections 171.1 and 171.2, T.A.C.)

## 2. Monthly Report Form

Courts must use the *Official Municipal Court Monthly Report* form provided by OCA to report the activity of the court during every one-month period. The report must be submitted to the OCA each month. The report requires the court to identify the name of the municipality, presiding judge, and court clerk along with the mailing address of the court and the name and office telephone number of the person who actually prepares the report. For copies of the report and reporting guidelines, contact the OCA at 512/463-1625. The report may also be sent to OCA via the internet. Call 512/463-1642 to get login information.

## 3. Form of the Report

The report does not require the court to report every activity, but is designed to report information on the primary activity of the court as defined by OCA.

Each section of the report must be completed. Courts that do not have any activity during a month must still submit the report and complete the form by placing zeros for each activity. If a court submits the report form and leaves some of the activities blank, OCA interprets that as zero activity.

Lines 1 through 14 of the report are used to report the numbers of specific types of court or magistrate activity, not dollar amounts; only Line 15 is to be used to report dollar amounts. The report is divided into two major categories: traffic misdemeanors and non-traffic misdemeanors. Traffic misdemeanors are further divided into non-parking and parking. Non-traffic misdemeanors are divided into state law and city ordinance.

After the court divides its activity into categories listed above, the report requires information in each of the categories on the following activities:

- New Cases Filed during the Month;
- Dispositions Prior to Trial:
  - Bond Forfeiture Hearings;
  - Fined (Before trial only);
  - Cases Dismissed (Cases not specifically included in the other dismissal category);
- Dispositions at Trial:
  - Trial by Judge:
    - Finding of Guilty;
    - Finding of Not Guilty;
  - Trial by Jury:
    - Finding of Guilty;
    - Finding of Not Guilty;
  - Dismissed at Trial;
- Cases Dismissed:
  - After Driver Safety Course;
  - After Deferred Disposition;
  - After Proof of Financial Responsibility;
  - After Compliance Dismissal (Proof of inspection, driver's license or registration);
- Juvenile Activity
  - Transportation Code Cases Filed
  - Non-Driving Alcoholic Beverage Code Cases Filed
  - DUI of Alcohol Cases Filed
  - Health & Safety Code Cases Filed
  - Failure to Attend School Cases Filed
  - Education Code Cases Filed
  - Violation of Local Daytime Curfew Ordinance Cases Filed
  - All Other Non-Traffic Fine-Only Cases Filed
  - Waiver of Jurisdiction of Non-Traffic Cases
  - Referred to Juvenile Court for Delinquent Conduct
  - Held in Contempt, Fined, or Denied Driving Privileges
  - Warnings Administered
  - Statements Certified

- Community Service Ordered
- Cases Appealed
- Other Activity
  - Parent Contributing to Nonattendance Cases Filed;
  - Safety Responsibility and Driver’s License Suspension Hearings Held
  - Search Warrants Issued;
  - Arrest Warrants Issued:
    - Class C Misdemeanors;
    - Felonies and Class A and B Misdemeanors;
- Other Activity (continued)
  - Magistrate Warning Given:
    - Class A and B Misdemeanors;
    - Felonies;
  - Emergency Mental Health Hearings Held
  - Magistrate’s Orders for Emergency Protection
- Total Revenue (*e.g.*, fines, court costs, fees, *etc.*).

The Office of Court Administration publishes a booklet of specific instructions for completing the report. Clerks can obtain the instruction booklet by calling 512/463-1625. The Office of Court Administration’s web site is [www.courts.state.tx.us/oca/](http://www.courts.state.tx.us/oca/).

Q. 43. What is the Office of Court Administration (OCA)? \_\_\_\_\_  
\_\_\_\_\_

Q. 44. What is the mission of OCA? \_\_\_\_\_  
\_\_\_\_\_

Q. 45. What does the Texas Judicial Council do? \_\_\_\_\_  
\_\_\_\_\_

Q. 46. List the names of offices that the city secretary is required to report to the Texas Judicial Council when a person is either elected or appointed to the office. \_\_\_\_\_  
\_\_\_\_\_

Q. 47. How long does the city secretary have to make the report? \_\_\_\_\_  
\_\_\_\_\_

Q. 48. When is a person presumed to have willfully refused to supply information to the Office of Court Administration? \_\_\_\_\_  
\_\_\_\_\_

Q. 49. How is the duty to supply information to the Office of Court Administration enforced? \_\_\_\_\_  
\_\_\_\_\_

Q. 50. Which courts are not required to submit monthly statistical reports to the Office of Court Administration? \_\_\_\_\_  
\_\_\_\_\_

Q. 51. How often is the court activity reported to the Office of Court Administration? \_\_\_\_\_  
\_\_\_\_\_

Q. 52. What identifying information must the court place on the form? \_\_\_\_\_  
\_\_\_\_\_

Q. 53. If the court has no activity, how does the court report that fact? \_\_\_\_\_  
\_\_\_\_\_

True or False

Q. 54. The court is required to report on the monthly report every new case filed in the month. \_\_\_\_\_

Q. 55. The clerk must submit information in the report about magistrate duties performed by the municipal judge, such as statutory warnings and the issuance of arrest warrants for Class A and B misdemeanors and felonies. \_\_\_\_\_

Q. 56. The monthly report only requires fine revenue collected by the court to be reported. \_\_\_\_\_

## **PART 4 REPORTS TO STATE COMPTROLLER OF PUBLIC ACCOUNTS**

State statutes require courts to collect court costs and fees from defendants convicted of fine-only offenses. Some of the costs and fees are retained by the city; some are required to be remitted to the State. City councils do not have authority, absent statutory authority, to adopt fees or court costs. Likewise, judges do not have authority to impose a cost or fee without any legal basis.

Funds that are collected without authority are considered by the State to be unjust enrichment. If the State determines that costs or fees are collected without authority, the Comptroller of Public Accounts would require the money to be returned to the defendants, or if the court is unable to locate the defendants, to turn the money over to the State.

Although Article 45.203(d), C.C.P., provides that court costs may not be imposed or collected in criminal cases in municipal court by ordinance, state statutes provide authority in five instances for municipalities to adopt ordinances for the collection of court costs. Article 45.203, C.C.P., authorizes cities to establish a fee by ordinance not to exceed \$25 for executing certain warrants. There is also authority to create by ordinance a building security fee, a technology fee, a juvenile case manager fee, and service fees for collection of fines, costs, and bonds by credit card or electronically, which are discussed in more detail in Part 6 of this guide.

See the Appendix for court costs charts from 1991 to 2006. For more information about assessment and collection of court costs and fees, the court should call the Local Government Assistance Division of the State Comptroller's Office toll free at 800/531-5441, extension 34679 or the direct line at 512/463-4679. To get information on reporting, contact the Revenue Accounting Division toll free at 800/531-5441, extension 34276 or the direct line 512/463-4276.

### **A. General Information**

#### **1. Definition of Conviction**

For the purpose of collecting court costs, Section 133.101, L.G.C., defines conviction in a case if:

- a judgment, a sentence, or both a judgment and a sentence are imposed on the defendant;
- the person receives community supervision, deferred adjudication, or deferred disposition; or



- the court defers final disposition of the case or imposition of the judgment and sentence.

## **2. Time to Report**

Court costs reports must be filed with the State Comptroller of Public Accounts by the last day of the month following each calendar quarter.

## **3. Interest and Handling Fee**

Cities may maintain court costs and fees in an interest bearing account and keep the interest if reported in the time required. If reported timely, the city may also keep a handling fee of 10 percent of the Consolidate Fee and of the State Jury Reimbursement Fee; a 5 percent handling fee of the State Traffic Fine, and 15 percent handling fee of the State Judicial Supplemental Fee. If a city fails to report timely, the city must remit 100 percent of the court costs collected, including the handling fees and the interest. (Section 133.055, L.G.C.)

## **4. Record Keeping**

Although courts are not required to have a separate bank account for the court costs, there must be separate records kept of the funds collected. Costs to be remitted to the state are dedicated and cannot be co-mingled with the city's general revenue. Certain local costs, which will be discussed later, are also dedicated and cannot be co-mingled with the city's general revenue funds.

## **5. Remitting Electronically**

Some cities are required to remit court cost and fees electronically. If \$250,000 or more in court costs and fees are remitted to the Comptroller in a state fiscal year (September through August), payments of \$10,000 or more must be made by electronic funds transfer in the following fiscal year. When a city is affected by this rule, the Comptroller must notify the city no less than 60 days before the first payment is required to be made. (Section 404.095, G.C. and Section 3.9, Part I, Title 34, Texas Administration Code) Although a city may not be required to remit electronically, a city may voluntarily remit in this manner. Even though a city remits electronically, the reporting must still be done manually.

## **6. Allocation and Proration**

When judges allow defendants to pay fine and court costs on an installment plan, clerks must ensure proper reporting and remitting the court costs and fees. The State Comptroller of Public Accounts requires courts to allocate money collected first to court costs and fees, then to fines. They rely on Attorney General Opinion M-1076 (1972). In February 2004, the Attorney General's Office reaffirmed in Opinion No. GA-0147 that money collected by a court must be allocated to court costs first before the fine.

When a court collects all the costs in one quarter even though they were paid by installments, the clerk reports all the costs on that quarter's report. If the court collects only part of the costs in a reporting quarter, the court must prorate the costs collected among all the court costs, including the local court costs, and report the State's portion on the quarterly report. If the court does not prorate and report, the city will not be able to keep the handling fees.

To prorate, the court should use the following formula:

$$\frac{\text{Amount collected}}{\text{Total costs/fees}} = \text{Percentage to apply to each cost/fee}$$

The following is an example of how to use the formula: a defendant convicted of the offense of speeding is assessed a fine of \$175 and court costs of \$86.00, but only pays \$43.00.

$$\frac{\$43.00}{\$86.00} = 50\% \text{ to each cost/fee}$$

50%	x	40.00	CF	=	20.00
50%	x	30.00	STF	=	15.00
50%	x	4.00	SJRF		2.00
50%	x	4.00	SJSF		2.00
56%	x	5.00	AF	=	2.50
56%	x	3.00	TFC	=	1.50
<b>50%</b>	<b>x</b>	<b>86.00</b>		<b>=</b>	<b>43.00</b>

In the example, the arrest fee and the traffic fund fee, which stays with the city, is included in the proration. If the court assesses other fees such as the three-dollar building security fee or the \$50 warrant fee, the proration must also include these fees.

## 7. Community Service Credit

A judge may require a defendant to discharge fine and court costs by performing community service. If the offense occurred before January 1, 2004, the court credits \$100 toward the fine for every eight hours of community service performed. If the offense occurs on or after January 1, 2004, the court credits not less than \$50 toward the fine for every eight hours of community service performed. In this instance, the judge may grant more than \$50 for every eight hours of community service performed but may not grant less than the \$50. (Article 45.049, C.C.P.)

If a defendant discharges the total amount due the court, including fine and court costs, by community service, the court does not have to remit to the Comptroller's Office money that it did not collect. If the defendant discharges only part of the total amount due by community service and pays money for part of the judgment, the community service credit goes first to the fine and then to court costs. Any money collected must be credited and allocated first to court costs. [Attorney General Opinion M-1076 (1972)]

## 8. Jail Time Credit

A judge must credit a defendant for time served in jail, including time served in jail from the time of arrest to conviction and time served after conviction. (Article 45.041(c), C.C.P.) If the offense occurred before January 1, 2004, the rate of credit is not less than \$100 for a period of time specified in the judgment. If the offenses occurred on or after January 1, 2004, the rate of credit is not less than \$50 for a period of time specified in the judgment. "Period of time" is defined to mean not less than eight hours or more than 24 hours that a defendant must serve in jail to discharge not less than \$50. (Articles 45.041 and 45.048, C.C.P.)

As custodians of the records, court clerks should properly record jail-time credit. In some instances, jail-time credit may have been the method of discharging the total fine and costs. In

other instances, it may be just part of the fine and costs. If a defendant does not pay any money to the court because the defendant had sufficient jail-time credit for both fine and court costs, the Office of Public Comptroller does not require the court to remit court costs that were not collected in money. However, if the jail credit does not discharge the total amount owed by the defendant, the court must first credit the jail-time credit to the fine and any money collected must be credited first to court costs. [Attorney General Opinion M-1076 (1972)]

## **9. Cash Bond Forfeiture for Fine and Costs**

A judge may enter a judgment of conviction and forfeit a cash bond to satisfy a defendant's fine and costs if the defendant has entered a written and signed plea of *nolo contendere* and a waiver of jury trial and fails to appear. (Article 45.044, C.C.P.) The court must immediately notify the defendant in writing of the judgment, stating that the forfeiture satisfies the defendant's fine and costs.

The defendant has a right to request a new trial not later than the 10<sup>th</sup> day after the date of the judgment. If the defendant does not request a new trial, the judgment becomes final.

If the conviction is for a traffic offense, the court must report the conviction to DPS. Since there is a conviction, court costs must be paid to the State. When the defendant has been in jail, the defendant must be given jail credit if the defendant has been in jail long enough to get jail credit. If the credit satisfies all of the fine and costs, the court must refund the bond to the defendant. The court would not have to remit to the State court costs that it did not collect in money. If the jail credit does not completely satisfy the fine and costs, the credit would be applied toward the fine first. Any money retained by the court from the bond would be allocated to the court costs first.

## **10. Bond Forfeiture**

Although bond forfeitures are considered criminal cases, the rules of civil procedure apply. The bond forfeiture lawsuit is initiated by a declaration of the forfeiture and entry of a judgment *nisi*. (Chapter 22, C.C.P.) The court is required to issue a *capias* for the defendant. (Article 23.05, C.C.P.) If there is a final judgment for the State, the forfeited bond stays with the city. Because there is no criminal conviction, there are no court costs due to the State. All bonds must be forfeited in this manner except for cash bonds that may also be forfeited under Article 45.044, C.C.P., as described in the preceding section. If the underlying offense for a bond forfeiture is a traffic offense, the court must report the final forfeiture on the traffic offense as if it were a conviction. For detailed information on bond forfeitures, see Level II guide *Bond Forfeitures*.

## **11. Collected when Deferred Disposition Granted**

When a court decides to grant deferred disposition in a defendant's case, the court must collect court costs and fees before granting the deferred disposition. (Article 45.051, C.C.P.) Before deferred is granted, a defendant must enter a plea of guilty or *nolo contendere* and waive in writing a jury trial, or there must be a finding of guilt. After payment of court costs, the judge defers further proceedings in the case. If the defendant complies, the court must dismiss the case. After the case is dismissed, the court may order a special expense fee not to exceed the amount of the fine to be paid to the court. This fee is a local fee and may be used for any lawful purpose

designated by the city. If the defendant fails to comply with the terms of the deferral, the court assesses the fine.

## **12. Collected when Driving Safety Course Granted**

Driving safety courses are granted under Article 45.0511, C.C.P. Court costs must be collected when the court grants the request to take a driving safety course. The court may also collect a non-refundable \$10 fee. (Article 45.0511(f), C.C.P.) If a driving safety course is granted under Subsection (d) of Article 45.0511, the court may, under Subsection (f)(2) of 45.0511, assess a special non-refundable expense fee not to exceed the maximum possible amount of the fine when granting the driving safety course.

## **13. Not Collected on Appeal**

When a defendant files an appeal bond, all further proceedings in a case cease. (Article 45.044, C.C.P.)

In a non-record court when a conviction is appealed, the municipal court judgment is nullified. Therefore, municipal court does not collect court costs. If the defendant is convicted in county court, the county court collects the costs and reports them to the State Comptroller.

In a record court, if the county court affirms the judgment, the municipal court collects the fine and costs and reports the costs. (Article 44.0281, C.C.P.)

## **14. Waiver of Fine and Costs**

Judges may waive court costs in two instances:

- when teen court is granted; and
- when an indigent defendant defaults in payment of a fine and costs and the court determines that performing community service would be an undue hardship on the defendant. (Articles 45.052 and 43.091, C.C.P.)

If a judge waives court costs, the court should document the waiver. When teen court is granted and the judge waives the fees and costs, the court should have an order waiving the costs and/or fees. In the case of an indigent defendant in default who is unable to perform community service, the judge can waive the fine along with the court costs. The court should document that the defendant defaulted, is indigent, and performing community service would be an undue hardship.

## **15. Reporting to the State Comptroller**

The State Comptroller requires courts to report state court costs quarterly. The court must submit the report by the last day of the month in the calendar quarter.

### **a. Legislative Changes**

Court costs funds and the amounts collected for the funds change with each legislative session. The changes to court costs only apply to offenses that occur on or after the date that the changes go into affect. Therefore, courts have to keep court costs charts from prior years in order to know the correct amount to collect.

For fees collected for convictions of offenses committed on or after January 1, 2004, a municipality or county shall report the fees collected for a calendar quarter categorized according to the class of offense. (Section 133.0569(b), L.G.C.)

For fees collected for convictions of offenses committed before January 1, 2004, a municipality shall report the total of fees collected for a calendar quarter. (Section 133.056(c), L.G.C.) To help the courts determine if the correct amount is being collected for each year, see the Appendix for the court costs charts for the years 1991 to 2006.

## **b. No Fees Collected During Quarter**

If the treasurer does not collect any fees during a calendar quarter, the treasurer must still file a report in the regular manner and report that no fees were collected. (Section 133.055(b), L.G.C.)

## **B. Costs Sent to the State (2006 and after)**

Every time the Legislature meets, they change the court costs. The state court costs discussed here are the current costs required to be collected. See the court costs charts in the Appendix for costs required to be collected in prior years.

### **1. Consolidated Fee**

The consolidated fee of \$40 is collected upon conviction of a nonjailable misdemeanor offense other than a conviction of an offense relating to a pedestrian or parking of a motor vehicle. If reported timely, the court can keep a 10 percent handling fee.

This fee consolidates many other court costs, which are:

- Abused Children's Counseling
- Crime Stoppers Assistance
- Breath Alcohol Testing
- Bill Blackwood Law Enforcement Management Institute
- Law Enforcement Officers Standards and Education Standards
- Comprehensive Rehabilitation
- Judicial and Court Personnel Training Fund
- Operator's and Chauffeur's license
- Criminal Justice Planning
- Juvenile Crime and Delinquency
- Fugitive Apprehension
- Correctional Management Institute
- Fair Defense Account
- Law Enforcement Officers Standards and Education

### **2. State Traffic Fine**

The State Traffic Fine is actually a court cost collected upon conviction of Subtitle C, Rules of the Road, Transportation Code offenses. This includes parking and pedestrian offenses. The amount to collect is \$30. The city can keep a five percent handling fee if it is reported and remitted timely to the State Comptroller. (Section 542.4031, T.C.)

### 3. State Juror Reimbursement Fee

This fee went into effect September 1, 2005. It is collected upon conviction of all fine-only offenses except pedestrian and parking offenses. The amount to collect is \$4. The city keeps a 10 percent handling fee if reported and remitted timely. (Article 102.0045, C.C.P.)

### 4. State Judicial Supplement Fee

This fee went into effect December 1, 2005. It is collected upon conviction of all fine-only offenses except pedestrian and parking offenses. The amount to collect is \$4. The city keeps a 15 percent handling fee if reported and remitted timely. (Section 133.105, L.G.C.)

The city treasurer shall deposit the 15 percent (60 cents) of each fee into the general fund of the municipality to promote the efficient operation of the municipal court and the investigation, prosecution, and enforcement of offenses that are within the jurisdiction of the court.

Q. 57. May a city pass an ordinance to collect court costs without authorization by state law? \_

Q. 58. For the purpose of collecting court costs, how is conviction defined? \_\_\_\_\_

Q. 59. When must a city submit a report on court costs to the State? \_\_\_\_\_

Q. 60. If the city keeps the court costs in an account that is an interest bearing account, what happens to the interest? \_\_\_\_\_

Q. 61. If the city does not report timely, what happens to the handling fee? \_\_\_\_\_

Q. 62. Even if the court deposits court costs into the city treasury, what type of records is the court required to keep? \_\_\_\_\_

Q. 63. When is a city required to remit court costs electronically? \_\_\_\_\_

True or False

Q. 64. When the court collects only part of the fine and costs, the clerk may allocate all the money to the fine. \_\_\_\_\_

Q. 65. Courts may choose to wait until all court costs are collected before remitting them to the State. \_\_\_\_\_

Q. 66. When a court prorates court costs and fees, the costs and fees owed to the State must be paid before the costs and fees retained by the city. \_\_\_\_\_

Q. 67. If a defendant discharges a fine and costs by community service, the city must pay the court costs from the city's general revenue fund. \_\_\_\_\_

- Q. 68. A defendant cannot discharge court costs by jail credit. \_\_\_\_\_
- Q. 69. When a defendant files a cash bond with the court, signs a conditional no contest plea, and fails to appear, the court can forfeit the bond to pay the fine and court costs. \_\_\_\_\_
- Q. 70. After a court enters a final judgment on a bond forfeiture, the court must remit criminal court costs to the State. \_\_\_\_\_
- Q. 71. Courts may grant deferred disposition and allow defendants to pay court costs when the terms of the deferral are completed. \_\_\_\_\_
- Q. 72. Before a driving safety course is granted, the defendant must pay court costs. \_\_\_\_\_

End True/False

- Q. 73. What happens to municipal court proceedings when a defendant files an appeal bond with the court? \_\_\_\_\_
- Q. 74. When a case is appealed, must the court collect the court costs because the municipal court has a conviction? \_\_\_\_\_
- Q. 75. When may a judge waive court costs and the fine? \_\_\_\_\_
- Q. 76. When the Legislature changes court costs, to what offenses do the changes apply to? \_\_\_\_\_
- Q. 77. What must a city do if its court does not collect any court costs or fees during a calendar quarter? \_\_\_\_\_

True or False

- Q. 78. The Consolidated Fee is collected on all Class C misdemeanor convictions. \_\_\_\_\_
- Q. 79. The court keeps a 10 percent handling fee on the Consolidated Fee. \_\_\_\_\_
- Q. 80. The State Traffic Fine is collected on all traffic convictions. \_\_\_\_\_
- Q. 81. The court keeps a 10 percent handling fee on the State Traffic Fine. \_\_\_\_\_
- Q. 82. The State Juror Reimbursement Fee is collected on all Class C misdemeanor convictions. \_\_\_\_\_
- Q. 83. The 60 cents retained by the city from the State Judicial Supplement Fee can be used only to promote the efficient operation of the municipal court. \_\_\_\_\_

## **PART 5 LOCAL COURT COSTS**

### **A. State Court Costs Retained by the City**

#### **1. Child Safety Fund**

##### **a. Parking Offenses**

If a parking offense is charged under a city ordinance in a city with a population greater than 850,000, the governing body shall by order require the assessment of a two to five dollar fee for the Child Safety Fund upon conviction of city ordinance parking offenses. If a parking offense is charged under a city ordinance in a city with a population fewer than 850,000, the court may collect a court cost not to exceed five dollars on the conviction of each city ordinance parking offense if the governing body orders the collection of the fund. (Article 102.014, C.C.P.)

##### **b. School-Crossing Zone**

Article 102.014(c), C.C.P., also provides that the court is required to assess \$25 for the Child Safety Fund for any offense under Subtitle C, T.C., committed in a school-crossing zone (Chapters 541-600, T. C.).

School crossing zone is defined in Section 541.302, T.C., as “a reduced-speed zone designated on a street by a local authority to facilitate safe crossing of the street by children going to or leaving a public or private elementary or secondary school during the time the reduced speed limit applies.” In order for the court to assess \$25 for offenses committed in the school-crossing zone, the Subtitle C offense must have occurred during the time that the reduced speed limit is in effect.

##### **c. Passing a School Bus**

Article 102.014(c), C.C.P., also provides that the court is required to assess \$25 for the Child Safety Fund for overtaking and passing a school bus. (Section 545.066, T.C.)

##### **d. Failure to Attend School & Parental Offense**

Also, courts must collect \$20 for the Child Safety Fund for the following offenses:

- parent contributing to nonattendance (Section 25.093, E.C.); and
- failure to attend school. (Section 25.094, E.C.)

##### **e. How Fund is Administered**

How the money collected for the Child Safety Fund is administered depends on the size of the city. If a city has a population greater than 850,000, the city is required to deposit the money in the Municipal Child Safety Fund established in the treasury. (Chapter 106, L.G.C.) The money in the fund must be used for the purpose of providing school crossing guard services. The city may contract with one or more school districts to provide school-crossing guard services and may also provide services to an area of the city that is not a part of the school district. The employment, training, equipping, and location of school crossing guards by a political subdivision are a government function. The city is required to determine the number of school



crossing guards needed by the city and then provide for the use of school crossing guards to facilitate the safe crossing of streets by children going to or leaving a public, parochial, or private, elementary, or secondary schools. The city must also consider the recommendations of schools and traffic safety experts when determining the need for school crossing guards. The city is required to equip school crossing guards with necessary equipment. (Chapter 343, L.G.C.)

After contracting with a school district, the city may deduct from the fund the administrative cost of contracting for the services and distributing the funds to the school districts, not to exceed 10 percent of the funds. After payment of the expenses of the school crossing guard services, any remaining money in the fund may be used for programs designed to enhance child safety, health, or nutrition, including child abuse intervention and prevention and drug and alcohol abuse prevention. (Chapter 106, L.G.C.)

If a city has a population fewer than 850,000, the money collected for the Child Safety Fund must be used for any existing school crossing guard program. If the city does not operate such a program or if the money exceeds the amount necessary to fund such a program, the city may deposit the additional money in an interest-bearing account or expend it for programs designed to enhance child safety, health, or nutrition, including child abuse prevention and intervention and drug and alcohol abuse prevention.

#### **f. Optional County Fee for Child Safety**

Section 502.173, T.C., provides authority for the commissioners court of a county that has a population greater than 1.3 million and in which a municipality with a population of more than one million is primarily located may by order impose an additional fee of not less than 50 cents or more than \$1.50 for registering a vehicle in the county. The commissioner's court of any other county may impose by order an additional fee of not more than \$1.50 for registering a vehicle in the county.

A county imposing a fee under this section may deduct 10 percent for administrative costs. The county may also deduct from the fee revenue an amount proportional to the percentage of county residents who live in unincorporated areas of the county. After making the deductions, the county must send the remainder of the fee to the municipalities in the county according to their population.

A municipality with a population greater than 850,000 shall deposit the fee to the credit of the Child Safety Fund. A municipality with a population less than 850,000 shall use the fee in accordance with subsection (f), Article 102.014, Code of Criminal Procedure, which provides that the money collected for the Child Safety Fund must be used for any existing school crossing guard program. If the city does not operate such a program or if the money exceeds the amount necessary to fund such a program, the city may deposit the additional money in an interest-bearing account or expend it for programs designed to enhance child safety, health, or nutrition, including child abuse prevention and intervention, and drug and alcohol abuse prevention.

## **2. Traffic Fund**

Section 542.403, T.C., says that a person shall pay a three-dollar court cost upon conviction of an offense charged under Subtitle C. Although the courts commonly call this the "traffic fund," the statute does not give it that name and refers to it as just a court cost. The city must deposit this money in the municipal treasury.

Courts must be careful not to assess the three-dollar cost on traffic offenses outside of Subtitle C, T.C. Because there are many offenses in Subtitle C, it might be easier to remember which traffic offenses are found in other subtitles of the Transportation Code. Some of the most common of these offenses outside of Subtitle C include failure to maintain financial responsibility, driver's license offenses, registration offenses, and commercial driver's license offenses.

### **3. Arrest Fee**

Courts must collect a five-dollar arrest fee upon conviction when a peace officer issues a written notice to appear (citation) for a violation of a traffic law, municipal ordinance, or penal law of this State, or makes a warrantless arrest. (Article 102.011(a), C.C.P.) A peace officer's authority to issue citations is found in two statutes: Section 543.003, T.C., and Article 14.06(b), C.C.P. Section 543.003 provides authority for peace officers to issue a written notice to appear for offenses charged under Subtitle C, T.C. Article 14.06(b) states that a peace officer may issue a citation for any Class C misdemeanor, except for the offense of public intoxication.

If a charge is initiated by a filed complaint, the arrest fee may not be collected. Also, when a peace officer files a charge by complaint and obtains a warrant of arrest, the court may not collect the arrest fee. Likewise, the arrest fee may not be collected for the offense of failure to appear since this charge is initiated by complaint and a warrant is issued.

If a city officer issued the citation or made the warrantless arrest, the city keeps the arrest fee. If a peace officer with statewide authority, such as a DPS officer, issued the citation, one dollar must be reported to the State the last day of the month following the quarter in which it was collected. The statute does not require the arrest fee be used for a specific purpose, and it may be deposited into the general revenue fund.

### **4. Warrant Fees**

#### **a. Warrant Fee**

Warrant fees are costs collected when a peace officer performs certain services. Article 102.011(a)(2), C.C.P., requires a \$50 warrant fee be collected upon conviction if a warrant or *capias* is processed or executed by a peace officer. This would also include *capias pro fine* since it is a type of *capias*.

A warrant or *capias* is executed if the officer serves the warrant by arresting the defendant. Since the statute does not define processing, the judge must determine what he or she will consider as processing. Some processes that a judge might consider are telephone calls to the defendant, courtesy letters, or entering the warrant into the local police department computer. Regardless of what the judge accepts as processing, documentation of the processing by a peace officer must be provided to the judge before he or she may assess the fee.

If a law enforcement agency other than the agency of the court's jurisdiction who processed the warrant or *capias* executes it, that agency may request the \$50 fee. The request must be made within 15 days after the arrest. If that agency fails to request the fee, it is still required to be collected, but it would be paid into the issuing city's treasury. If a peace officer employed by the city where the warrant or *capias* was issued executes or processes the warrant, the \$50 would be collected and paid into the city treasury. If a peace officer with statewide authority executes or

processes the warrant, \$10 must be remitted to the State the last day of the month following the quarter in which it was collected. If the warrant is executed or processed but there is no conviction, the \$50 fee may not be assessed or collected.

If a warrant is not processed or served by a peace officer, the court may not assess the fee. For instance, when the warrant is given to a private collection agency to process, the fee may not be collected because a collection agency does not employ peace officers. However, if the court gives the warrant to the local police department for some type of processing before sending the warrant to the collection agency, the court may assess the fee.

The statute does not require that this fee be used for any specific purpose. It may be placed in the city's general revenue fund and used for any lawful purpose.

#### **b. Special Expense Fee**

Article 45.203, C.C.P., says that cities must by ordinance prescribe rules, not inconsistent with state law, as may be proper to enforce the collection of fines. This statute also provides authority to adopt an ordinance for the collection of a special expense fee not to exceed \$25 for the issuance and service of a warrant of arrest for the offenses of failure to appear (Section 38.10, P.C.) and violation of promise to appear. (Section 543.009, T.C.)

The statute requires the warrant of arrest to be executed; just processing it does not count. The fee may not be collected if a defendant voluntarily surrenders to the court or the defendant appears after a courtesy letter from the court or peace officer. The statute requires that the fee be deposited into the municipal treasury. Some cities pay the fee to peace officers who serve the warrant outside their regular duty hours. Attorney General Opinion No. JM-462 (1986) addresses this issue. The opinion says in part that members of a regular police force may legally serve arrest warrants outside of their regular hours, but may not receive the warrant fee as compensation for such service. Cities must compensate officers as they otherwise would when they work overtime. Cities should visit with their city attorney regarding the payment of any fees to peace officers.

### **5. Ten Dollar Fees**

#### **a. For Driving Safety Course**

The court may require a defendant requesting a driving safety course under Article 45.0511, C.C.P., to pay a fee set by the court at an amount of not more than \$10, including any other fee authorized by statute or municipal ordinance, to cover the cost of deferring a case for 90 days for the defendant to take a driving safety course. (Article 45.0511(f), C.C.P.) If a defendant fails to complete the driving safety course, he or she is not entitled to a refund of the \$10 fee. The fee is deposited into the city treasury to be used for any lawful purpose.

Courts *may* charge a \$10 fee for obtaining a copy of the defendant's driving record from the Texas Department of Public Safety when the defendant requests to take a driving safety course. If the court collects the fee, the court must send the \$10 to the State Comptroller quarterly. This fee is effective January 1, 2006 and can be collected on offenses that occur January 1, 2006 and after.

## **b. For Teen Court**

The judge may assess an optional fee not to exceed \$10 when a defendant requests to participate in a teen court program. This fee is retained by the city. (Article 45.052, C.C.P.)

The court may also assess another \$10 fee to cover the cost of the teen court for performing its duties. This fee is paid to the teen court program, but the program must account to the court for the receipt and disbursement of the fee.

Subsection (g) of Article 45.052, C.C.P., provides that a justice or municipal court may exempt a defendant from the requirement to pay court costs or other fees that are imposed by another statute. Thus, judges have authority to waive court costs and fees when granting a defendant the right to participate in a teen court program.

## **c. For Remediating Certain Defects**

Statutes provide discretion for judges to collect \$10 fees in certain instances if a defendant remedies particular defects. Although none of the statutes say where the fees are deposited, they do not require the money to be sent to the State. Generally, most cities have the court deposit the fees in the general revenue account.

Some courts mistakenly assess \$10 when dismissing the charge of failure to maintain financial responsibility or the charge of failure to display a driver's license. Although the court is required to dismiss these charges if the defendant had valid insurance or a valid driver's license at the time of the arrest, there is no authority to assess a fee when dismissing either of these charges.

Other courts believe that they can dismiss equipment violations if the defendant fixes the equipment. No authority, however, exists to automatically dismiss these charges without a prosecutor motion. If a prosecutor requests dismissal of equipment violations, the court does not have authority to assess a fee.

Discussed below are the defects that courts may allow defendants to remedy and show proof to the court. The court can dismiss with a \$10 fee.

### **(1) Expired Registration**

Judges may dismiss the offenses of expired registration if the defendant obtains valid registration within 10 working days after receiving the citation. The judge may also assess an administrative fee not to exceed \$10 when the charge is dismissed. (Section. 502.407(b), T.C.)

Article 45.003, C.C.P., defines working day for the purposes of dismissing a charge under Section 502.407, T.C., (expired registration) to not include Saturday, Sunday, or a legal holiday.

### **(2) Expired Driver's License**

Judges may dismiss the offense of expired driver's licenses (Section 521.026, T.C.) if the defendant obtains a valid driver's license within 10 working days after receiving the citation. The judge may also assess an administrative fee not to exceed \$10 when the charge is dismissed.

Article 45.003, C.C.P., defines working day for the purposes of dismissing a charge under Section 502.407 (expired registration) or 548.605 (expired inspection certificate), T.C., to not include Saturday, Sunday, or a legal holiday. Although there is no statute that defines "day" for

the purpose of dismissing the offense of expired driver's license, the best procedure is to follow the requirement under Article 45.003.

### **(3) Expired Inspection Certificate**

Judges must dismiss the offense of expired inspection certificate if the certificate is not expired for more than 60 days, and the defendant obtains a valid inspection certificate within 10 working days. A "working day" is defined by the statute as any day other than a Saturday, Sunday, or a holiday when county offices are closed. The court is required to collect a \$10 fee from the defendant upon dismissal. If the inspection certification is expired for more than 60 days, the court may dismiss the charge when the defendant obtains a valid inspection certificate. However, it appears that there is no fee under the permissive provisions of the statute. (Section 548.605, T.C.)

Article 45.003, C.C.P., defines "working day" for the purposes of dismissing a charge under Section 548.605, T.C., (expired inspection certificate) to not include Saturday, Sunday, or a legal holiday.

## **6. Special Expense and Administrative Fees**

Article 45.051(c), C.C.P., provides for a special expense fee that the judge may assess and collect at the conclusion of the deferral period under deferred disposition when the court dismisses the complaint after the defendant complied with the terms of the deferral. The special expense may not exceed the amount of the fine assessed and is deposited into the city treasury.

Section 45.0511(f)(2), C.C.P., provides that the judge may assess and collect a non-refundable administrative fee not to exceed the maximum amount of fine that is allowed for a particular offense when the judge grants the taking of a driving safety course under Article 45.0511(d), C.C.P. Article 45.011(d), gives the judge authority to grant a driving safety course when a defendant does not have a right to take a driving safety course under the mandatory provisions because the defendant has had a driving safety course in the prior 12 months from the current offense. The fee is deposited into the city treasury. (Articles 45.0511(h), C.C.P.)

## **7. Additional Fees that May Be Assessed at Trial**

The court is required to assess certain fees for services of a peace officer. These fees are paid by the defendant upon conviction and can be used by the municipality for any legal purpose. Other fees are required to be assessed depending on the type of trial requested or the actions of the defendant.

### **a. For Summoning a Defendant**

When a peace officer serves a summons upon a defendant, upon conviction, the court must collect \$35 for the officer's services. (Article 102.011(a)(4), C.C.P.) A summons may be served by delivering a copy to the defendant personally, by leaving it at the defendant's house or usual place of abode with some person of suitable age residing at the place, or by mailing it to the defendant's last known address. (Articles 23.03 and 15.03(b), C.C.P.)

**b. For Summoning a Witness**

When a peace officer summons a witness by serving a subpoena and the defendant is convicted, the defendant must pay five dollars for the services of the peace officer. (Article 102.011(a)(3), C.C.P.)

**c. For Summoning a Jury**

When a peace officer summons a jury and the defendant is convicted, the defendant must pay five dollars for the services of a peace officer. (Article 102.011(a)(7), C.C.P.)

**d. For Summoning the Parents of a Juvenile**

When a peace officer summons the parents of a juvenile to appear with their child in court, upon conviction, the court must assess a fee of \$35. (Article 102.011(a)(4), C.C.P.)

**e. Jury Fee**

Municipal court must assess a jury fee of three dollars upon conviction by a jury. (Article 102.004, C.C.P.)

**f. Cost of Peace Officer Overtime when Testifying**

Defendants must pay the costs of overtime paid to a peace officer for time spent testifying at or for time traveling to or from testifying at trial. (Article 102.011(i), C.C.P.) Since the costs are for time spent testifying in the case, no overtime costs may be assessed if the officer did not testify. The amount collected varies depending on the officer's salary and the amount of time spent testifying.

Clerks should work with police departments to make sure the judge has information about officers' salaries so that he or she may assess this cost. The court should have an affidavit for the officer to sign after testifying so that the court has documentation on the officer's time and the amount to assess the defendant.

**g. Withdrawing Request for Jury Trial**

A defendant who requests a trial by jury and who withdraws the request not earlier than 24 hours before the time of trial must pay a jury fee of three dollars if the defendant is convicted of the offense or final disposition of the defendant's case is deferred. (Article 102.004, C.C.P.)

**h. Failure to Appear for Jury Trial**

A municipal court may order a defendant who does not waive a jury trial and fails to appear for the trial to pay the costs incurred for impaneling the jury. (Article 45.026, C.C.P.) The court may release a defendant from the obligation to pay for good cause. If the court requires the defendant to pay the costs, the order may be enforced as contempt under Section 21.002(c), G.C. Since a defendant may present a reason for not appearing for a jury trial, the court should set the issue for a show cause hearing to give the defendant an opportunity to present his or her reason.

The amount of this cost will vary depending upon the costs incurred by the court. The clerk should do an analysis of the costs for summoning a jury and have it available for the judge, so that the judge may assess the cost. Some possible costs include:

- cost of jury summons (paper and printing costs);
- cost of envelopes and stamps; and
- clerks' salaries (include time required to prepare jury summons, time to handle requests for exemptions before trial, and time to handle jury on the day of trial).

## **8. Expunction Fees**

A defendant who petitions the municipal court for any expunction must pay a fee of \$30 when filing the petition with the municipal court. This fee is to be used to defray the cost of notifying state agencies of orders of expungement. This fee went into effect January 1, 2006. See the study guide *Juveniles* for more information on expunctions.

Article 45.0216, C.C.P., provides authority for the expunction of penal offenses committed by defendants under the age of 17. (Article 45.0216(i), C.C.P.)

Article 45.055, C.C.P., provides authority for the expunction of the offense failure to attend school. (Article 45.055(d), C.C.P.)

Section 106.12, A.B.C., provides authority for the expunction of Alcoholic Beverage Code offenses committed by minors upon reaching the age of 21. (Section 106.12(d), A.B.C.)

Section 161.255, H.S.C., provides authority for the expunction of the offense of possession, purchase, consumption, or receipt of cigarettes or tobacco products by minors. (Section 161.255(b), H.S.C.)

## **9. Miscellaneous Fees**

### **a. Travel Costs to Convey Prisoner**

Article 102.011(b), C.C.P., requires defendants convicted of a misdemeanor or felony offense to pay all necessary and reasonable expenses for meals and lodging incurred by peace officers when performing the following services:

- conveying a prisoner after conviction to the county jail;
- conveying a prisoner arrested on a warrant or *capias* issued in another county to the court or jail of the county; or
- traveling to execute criminal process, to summon or attach a witness, and to execute process not otherwise described by Article 102.011, C.C.P.

Conviction for the purpose of collecting travel costs include the following:

- a judgment, a sentence, or both a judgment and a sentence are imposed on the defendant;
- the defendant receives community supervision, deferred adjudication, or deferred disposition; or
- the court defers final disposition of the case or imposition of the judgment and sentence.

**b. Travel Costs to Execute Process**

Article 102.011(b), C.C.P., requires defendants convicted of a misdemeanor or felony offense to pay all necessary and reasonable expenses for meals and lodging incurred by peace officers when traveling to execute criminal process (warrants, *capias*), to summon or attach a witness, and to execute process not otherwise described in Article 102.011, C.C.P.

The defendant is required to pay 29 cents per mile for mileage required of an officer to perform a service listed in Article 102.011.

Conviction for the purpose of collecting travel costs include the following:

- a judgment, a sentence, or both a judgment and a sentence are imposed on the defendant;
- the defendant receives community supervision, deferred adjudication, or deferred disposition; or
- the court defers final disposition of the case or imposition of the judgment and sentence.

- Q. 84. The municipal court in a city with a population greater than 850,000 is required to assess a fee of eight dollars on parking convictions, depending on the amount set by the city council. \_\_\_\_\_
- Q. 85. The municipal court in a city with a population less than 850,000 is required to collect a fee of up to five dollars on parking convictions if the city orders the collection. \_\_\_\_\_
- Q. 86. A city with a population of less than 850,000 is not required to order the collection of the parking fee for the Child Safety Fund. \_\_\_\_\_
- Q. 87. When a defendant is convicted of a Subtitle C offense in a school-crossing zone, the defendant is required to pay \$25 for the Child Safety Fund. \_\_\_\_\_
- Q. 88. A defendant convicted of overtaking and passing a school bus does not have to pay \$25 to the Child Safety Fund unless the offense occurs within a school-crossing zone. \_\_\_\_\_
- Q. 89. A school-crossing zone is a reduced speed zone to facilitate the safe crossing of students in public schools only. \_\_\_\_\_
- Q. 90. A parent convicted of the offense of parent contributing to nonattendance does not have to pay the \$20 for the Child Safety Fund. \_\_\_\_\_
- Q. 91. A city with a population greater than 850,000 is required to use the Child Safety Fund for the purpose of providing school crossing guard services. \_\_\_\_\_
- Q. 92. A city with a population of less than 850,000 must use the money collected for the Child Safety Fund for a school crossing guard program if the city operates one. \_\_\_\_\_
- Q. 93. If a city receives money from the county for the Child Safety Fund, the city must deposit it to the credit of the city's Child Safety Fund. \_\_\_\_\_



- Q. 94. The three-dollar Traffic Fund court cost must be collected on all traffic convictions. \_\_\_\_\_
- Q. 95. The court must deposit money collected for the Traffic Fund into the city treasury. \_\_\_\_\_
- Q. 96. The court is required to assess the five dollar arrest fee when a defendant is convicted after a warrantless arrest. \_\_\_\_\_
- Q. 97. The court is required to assess the five dollar arrest fee when a defendant is convicted after being issued a citation. \_\_\_\_\_
- Q. 98. If a defendant is convicted of the offense of failure to appear, the court is required to assess the five dollar arrest fee. \_\_\_\_\_
- Q. 99. When a city police officer issues a citation and there is a conviction, the city must pay the arrest fee to the state. \_\_\_\_\_
- Q. 100. If a peace officer with statewide authority issues the citation and files it in municipal court, the city may keep all of the five dollar arrest fee. \_\_\_\_\_
- Q. 101. The warrant fee may be collected only when a peace officer executes or processes the warrant or *capias*. \_\_\_\_\_
- Q. 102. If an agency, other than the one issuing the warrant, executes the warrant, that agency may not request the \$50 fee. \_\_\_\_\_
- Q. 103. When a peace officer with statewide authority arrests a person, the court upon conviction of the defendant is required to remit \$10 of the warrant fee to the State. \_\_\_\_\_
- Q. 104. If a city wants to collect a fee not to exceed \$25 for failure to appear warrants, the city must adopt an ordinance authorizing the collection of the fee. \_\_\_\_\_
- Q. 105. Cities may pay peace officers the \$25 special expense fee for serving warrants outside their regular duty hours. \_\_\_\_\_
- Q. 106. The \$10 collected when a court grants a driving safety course must be deposited into the city treasury. \_\_\_\_\_
- Q. 107. When a defendant fails to complete a driving safety course, the court is required to refund the \$10 fee or allow the defendant to apply the fee to the fine. \_\_\_\_\_
- Q. 108. The court is required to collect \$10 from the defendant who requests a driving safety course so that the court can obtain a copy of the defendant's driver's license record from the Texas Department of Public Safety. \_\_\_\_\_
- Q. 109. If the court collects a \$10 fee to be paid to the teen court program, the program does not have to account to the court for how it uses the money. \_\_\_\_\_
- Q. 110. Judges have authority to waive court costs and fees when a defendant participates in a teen court program. \_\_\_\_\_
- Q. 111. The clerk may assess a \$10 administrative fee when a defendant has renewed an expired driver's license, expired registration, or expired inspection certificate and the defendant shows proof to the clerk. \_\_\_\_\_
- Q. 112. The court may collect a special expense fee not to exceed the amount of the fine when the court grants deferred disposition. \_\_\_\_\_

Q. 113. If a judge grants a driving safety course to a defendant who has completed a driving safety course in the prior 12 months, the court may require the defendant to pay a fee not to exceed the maximum amount of the penalty for the offense. \_\_\_\_\_

Q. 114. If a judge allows a defendant to reimburse a victim by paying in installments, the court can require the defendant to pay a \$12 fee. \_\_\_\_\_

End True/False

Q. 115. When a peace officer serves a summons on a defendant, how much must the defendant pay if he or she is convicted? \_\_\_\_\_

Q. 116. When a peace officer serves a subpoena, how much must a defendant pay if he or she is convicted? \_\_\_\_\_

Q. 117. When a peace officer summons a jury, how much must a defendant pay if he or she is convicted? \_\_\_\_\_

Q. 118. What must a child pay for the peace officer's service of the summons to his or her parent?

Q. 119. What is the amount of the jury fee the court must assess when a defendant is convicted by a jury? \_\_\_\_\_

True or False

Q. 120. When an officer testifies during regular duty hours, the defendant, if convicted, must pay the costs of the officer's time testifying in court. \_\_\_\_\_

Q. 121. When an off-duty peace officer appears at the trial but does not testify, the court may not assess the costs of the peace officer appearing for the trial. \_\_\_\_\_

Q. 122. When a judge assesses the costs of an officer testifying, he or she may guess at the amount if the peace officer has not provided information to the court of his or her salary. \_\_\_\_\_

End True/False

Q. 123. If a defendant fails to appear for a jury trial and the court assesses a cost for impaneling the jury, how may the defendant be released from paying these costs? \_\_\_\_\_

Q. 124. What are some items that a clerk may consider when preparing an analysis for costs incurred for summoning and impaneling a jury? \_\_\_\_\_

Q. 125. What cost must a petitioner pay when requesting an expunction from municipal court? \_\_\_\_\_

Q. 126. What cost may a municipal judge assess when a city police officer travels to serve municipal court warrants or *capiases*? \_\_\_\_\_

## **B. Local Fees Created by Ordinance**

Fees are court costs. Some fees are, however, imposed only in certain instances. The legislature has provided authority for cities to adopt ordinances to collect certain fees. If a city does not adopt the appropriate ordinances, it cannot collect the fees.

There are other fees that are added to cases as the result of the actions of defendants. The following information lists fees that courts have authority to, and must, in some situations, collect. Included with each fee is an explanation of the fee, reporting requirements, and if it is a dedicated fee, the specific purpose for which the city must use the fee.

### **1. Juvenile Case Manager Fee**

Article 102.0174, C.C.P., provides city councils authority to create a juvenile case manager fund and may require a defendant convicted of a fine-only misdemeanor offense to pay a Juvenile Case Manager Fee not to exceed \$5 as a court cost. This fee is dedicated money and is paid to the city treasurer to be kept in a dedicated fund. It does not have to be held in a separate bank account, but it may not be co-mingled with general revenue monies. If held in the general revenue account, it must be kept in a dedicated fund. The fee went into effect January 1, 2006.

The ordinance or order creating the fund must authorize the judge to waive the fee in case of financial hardship.

The defendant is considered convicted if:

- a sentence is imposed on the defendant;
- the defendant receives deferred disposition (Article 45.051, C.C.P), including deferred proceedings under Article 45.052 (Teen Court) or 45.053 (Dismissal of Misdemeanor Charge on Commitment of Chemically Dependant Person); or
- the defendant receives deferred adjudication in the county court.

This fund may be used only to finance the salary and benefits of a juvenile case manager employed under Article 45.056, C.C.P.

Article 45.056, C.C.P., authorizes a municipal court, on approval of the city council, to employ juvenile case managers to provide services in cases involving juvenile offenders before a court consistent with the court's statutory powers. The city council may also jointly employ a case manager under an interlocal agreement under Chapter 791, G.C.

The city council may employ one or more full-time juvenile case managers to assist the court in administering the court's juvenile docket and in supervising its court orders in juvenile cases.

Article 45.056 provides that juvenile case managers work primarily on criminal cases alleging failure to attend school (Section 25.094, Education Code) or parent contributing to nonattendance (Section 25.093, Education Code).

### **2. Building Security Fee**

Article 102.017, C.C.P., provides authority for cities to create a three-dollar Building Security Fee by ordinance. After the city adopts an ordinance to establish the fund, the court must assess the fee upon all convictions. Conviction is defined to include the following:

- a sentence is imposed on the defendant;

- the defendant receives community supervision, including deferred adjudication; or
- the court defers final disposition of the defendant’s case.

The money collected under this fund is dedicated to providing security services for municipal courts. It may be used only to finance items when used for the purpose of providing security services for buildings housing municipal courts, and includes the following items:

- the purchase or repair of x-ray machines and conveying systems;
- handheld metal detectors;
- walk-through metal detectors;
- identification cards and systems;
- electronic locking and surveillance equipment;
- bailiffs, deputy sheriffs, deputy constables, or contract security personnel during times when they are providing appropriate security services;
- signage;
- confiscated weapon inventory and tracking systems;
- locks, chains, alarms, or similar security devices;
- the purchase or repair of bullet-proof glass; and
- continuing education on security for court personnel and security personnel.

Attorney General Opinion JC-0014, March 1999, states that given the legislative history and the express terms of Article 102.017(d), security items that may be purchased are limited to the items in Article 102.017. However, the 76<sup>th</sup> Legislature amended Article 102.017 and added the word “including.” The Code Construction Act (Chapter 311, G.C.) says that the word “including” is a term of enlargement and not of limitation or exclusive enumeration, and use of the term does not create a presumption that components not expressed are excluded. Hence, the purchase of security items is not limited to the list, but must be specifically for court security.

### **3. Technology Fee**

Article 102.0172, C.C.P., provides authority for a governing body of a municipality to adopt an ordinance to establish a technology fund. The ordinance creates a fee in an amount not to exceed four dollars to be collected upon all convictions. For purposes of collection this fee conviction is defined to include the following:

- a sentence is imposed on the defendant;
- the defendant is placed on community supervision, including deferred adjudication community supervision; or
- the court defers final disposition.

The fund, which must be dedicated to financing the purchase of and maintenance of technological enhancements for the municipal court, includes the following:

- computer systems;
- computer networks;
- computer hardware;

- computer software;
- imaging systems;
- electronic kiosks;
- electronic ticket writers; and
- docket management systems.

The fund is to be administered by or under the direction of the governing body of the municipality. The Code Construction Act (Chapter 311, G.C.) says that the words “include” and “including” are terms of enlargement and not of limitation or exclusive enumeration and use of the term does not create a presumption that components not expressed are excluded. Hence, the purchase of technological enhancements is not limited to the list, but must be specifically for municipal court technology.

True and False

- Q. 127. The Juvenile Case Manager Fee can be use to finance a juvenile case manager or a teen court coordinator. \_\_\_\_\_
- Q. 128. The Building Security Fee must be established by ordinance before the municipal court may collect it. \_\_\_\_\_
- Q. 129. The purpose of the Building Security Fee is to provide all city buildings with security. \_\_\_\_\_
- Q. 130. The city must use the Building Security Fee to purchase security items for the court. \_\_\_\_\_
- Q. 131. The Technology Fee may only be assessed if the city establishes the fund by ordinance. \_\_\_\_\_
- Q. 132. The Technology Fee may not be less than four dollars. \_\_\_\_\_
- Q. 133. The Technology Fee may be used to pay for maintenance of court technology. \_\_\_\_\_

**PART 6**  
**FINES AND COSTS DIVIDE BETWEEN STATE AND CITY**

Some of the fines and costs collected by the municipal court are divided between the State and the city. In these instances, if a court prorates court costs because of a partial payment, the State’s portion does not take precedence over the city’s portion.

**A. Restitution Fee**

If the court orders reimbursement to a victim to be made in specified installments, the court may require the defendant to pay a one-time restitution fee of \$12. Six dollars of the restitution fee is retained by the city and the other \$6 must be remitted to the State for the Compensation to Victims of Crime Fund. (Article 42.037(g), C.C.P.) Municipal court has authority to order restitution up to \$500. (Article 45.041, C.C.P.)

## **B. Time Payment Fee**

Municipal courts are required to collect a \$25 fee from a defendant who pays any part of the fine, court costs, or restitution on or after the 31<sup>st</sup> day after the date on which a judgment is entered assessing the fine, costs, or restitution. The fee is to be deposited in the municipal treasury. (Section 133.103, L.G.C.)

Each quarter, treasury custodians are required to send 50 percent of the time payment fee to the Comptroller. The other 50 percent is retained by the city. The city is required to use 10 percent of the fee (\$2.50) for improving the efficiency of the administration of justice. The other 40 percent (\$10) may be used by the city for any lawful purpose.

## **C. Fines for Unsecured Child**

The penalty for violating the Section 545.412, T.C., requirement of having a child under four years of age or less than 36 inches in height secured in a child passenger safety seat system is a fine of not less than \$100 or more than \$200. The penalty for violating the Section 545.413(b), T.C., requirement of having a child who is at least four years of age, but under 17 years of age, secured by a seatbelt is a fine of not less than \$100 or more than \$200. The penalty for a person at least 15 years old who does not wear a seatbelt while occupying a front seat of a vehicle is a fine of not less than \$25 or more than \$50.

Notwithstanding Section 542.402(a), T.C., which requires the city to use traffic fine money for the building and maintenance of roads, bridges, or culverts, or for law enforcement purposes, a municipality shall send the Comptroller 50 percent of the fines collected under Sections 545.412 and 545.413(b), T.C., at the end of the city's fiscal year.

## **D. Over Gross Weight Violations**

On conviction of an offense involving operating or loading overweight vehicles under Section 621.506, T.C., the court is required to remit the court costs and 50 percent of the fine to the Comptroller unless the offense occurred within 20 miles of an international border, in which event, the entire amount may be retained by the city. The city must use the money for road maintenance. (Section 621.506(g), T.C.) The statute does not say how frequently the fine money must be remitted. The Comptroller's Office has set the reporting cycle to coincide with the quarterly cycle for the basic court costs and fees.

## **E. Excess Motor Carrier Fines**

Only certain cities may enforce excess motor carrier violations under Chapter 644, T.C., and those cities may only keep part of the revenue generated. To enforce these types of violations, municipal police officers must be certified by the DPS. Police officers of any of the following municipalities are eligible to apply for the certification:

- a municipality with a population of 100,000 or more;
- a municipality with a population of 25,000 or more, any part of which is located in a county with a population of 2.4 million or more;
- a municipality with a population of less than 25,000, any part of which is located in a county with a population of 2.4 million and contains or is adjacent to an international port; or

- a municipality, any part of which is located in a county bordering Mexico.

In each fiscal year, a municipality may keep fines from the enforcement of Chapter 644, T.C., in an amount not to exceed 110 percent of the municipality's actual expenses for enforcement of Chapter 644 in the preceding fiscal year, as determined by the Comptroller after reviewing the most recent municipal audit conducted under Section 103.001, L.G.C. If there are no actual expenses for enforcement of Chapter 644 in the most recent municipal audit, a municipality may retain fines in an amount not to exceed 110 percent of the amount the Comptroller estimates would be the municipality's actual expenses for enforcement of Chapter 644 during the year. The municipality must send to the Comptroller the amount of the fines that exceeds the limit imposed by the Comptroller. (Section 644.102, T.C.)

Cities that participate in the enforcement of excess motor carrier violations must complete the costs of enforcement worksheet provided by the Comptroller's Office. The worksheet is used to calculate the costs of enforcement. To get information regarding this worksheet, the court should call the Local Government Assistance Division of the State Comptroller's Office toll free at 800/531-5441, extension 34679; or the direct line at 512/463-4679; or the Revenue Accounting Division toll free at 800/531-5441, extension 3476; or the direct line 512/463-4276.

- Q. 134. If the court orders a defendant to pay a victim restitution in installment payments, what is the amount of the restitution fee that the court may require? \_\_\_\_\_
- Q. 135. How must the court account for the restitution fee? \_\_\_\_\_
- Q. 136. When is a time payment fee required to be collected? \_\_\_\_\_
- Q. 137. How is the time payment fee disbursed? \_\_\_\_\_
- Q. 138. How much of the fines collected for not keeping a child secured in a motor vehicle must the city send to the State? \_\_\_\_\_
- Q. 139. When must the city send the State the fine money for failing to keep a child secured in a motor vehicle? \_\_\_\_\_

True or False

- Q. 140. When a city is not within 20 miles of an international border, the city must remit to the State 50 percent of the fines collected for over gross weight violations. \_\_\_\_\_

Q. 141. When a city enforces excess motor carrier violations, the city may keep fines from these offenses as long as the amount does not exceed 110 percent of the city's actual expenses for enforcement in the preceding fiscal year. \_\_\_\_\_

End True/False

## **PART 7 FINES**

### **A. Disposition of Traffic Fines**

Section 542.401, T.C., requires cities to expend fine money collected for convictions of Title 7, T.C., offenses for:

- construction and maintenance of roads, bridges, and culverts; and
- enforcement of laws regulating the use of highways by motor vehicles.

Because courts collect fines for offenses in many different statutes, clerks should keep a separate accounting of fine money collected under Title 7, T.C., since statutes require cities to budget this money for certain uses. This type of information needs to be reported to the city accounting department and person responsible for preparing the budget so that it is properly budgeted for as the State requires.

### **B. Excess Highway Fines**

For cities with a population of fewer than 5,000, the Legislature restricts the amount of revenue that may be retained from offenses under Title 7 (Chapters 501-750) of the Transportation Code. The restriction applies to not only the fines collected for offenses charged under Title 7, but also to the special expenses collected under Article 45.051, C.C.P., when deferred is granted for Title 7 violations. (Section 542.402, T.C.) To determine if a city falls within this restriction, the city must look to the most recent federal decennial census. If the city population is now 5,000 or more, but was under 5,000 when the census was taken, the law would apply. However, if the city's population is now under 5,000 but the census shows the population 5,000 or more, the law would not apply.

Prior law restricted the amount of revenue collected from offenses under Subtitle C (Chapters 541-600) of the Transportation Code. It also included the special expenses collected under deferred for Subtitle C offenses. The 76<sup>th</sup> Legislature amended Section 542.402 to include Title 7 in the restriction. For city fiscal years beginning prior to September 1, 1999, the excess highway fines law only applies to offenses that fall within Subtitle C, Rules of the Road. The restriction to keeping fines and special expenses for Title 7 offenses only applies to fines and special expenses collected in a fiscal year that begins on or after September 1, 1999.

When the fines and special expenses for offenses charged under Title 7, T.C., reach 20 percent, the court must file a report with the Comptroller's Office. Failure to report may cause the city to pay for an audit conducted by the Comptroller's Office. The report must be submitted to the Comptroller's Office within 120 days after a city's fiscal year ends. The report must include a copy of the city's financial statement that is prepared for that fiscal year and filed as required by



the Local Government Code, Chapter 103. The report should show the total amount collected for the fiscal year from Title 7 offense fines and special expenses.

The city may keep all the traffic fines and special expenses under Article 45.051, C.C.P., collected for offenses under Title 7 up to 30 percent of its total revenue in the preceding fiscal year. Federal funds and bond sale proceeds do not count in figuring total revenue.

When fines and special expenses for offenses charged under Title 7, T.C., equal 30 percent of the budget, all but one dollar of each fine or special expense collected for Title 7 offenses must be remitted to the State. The city keeps the one dollar as a service fee. This report is done when the city reaches the 30 percent, and then the city must remit the revenue with the other quarterly reports.

### **C. Fines For Parent Contributing to Nonattendance**

If a parent is convicted of the offense of parent contributing to nonattendance, one-half of the fine must be paid to the school district in which the child attends school, the open enrollment charter school the child attends, or the juvenile justice alternative education program that the child has been ordered to attend. The other half of the fine goes into the city's general fund. (Section 25.093, E.C.)

### **D. Collection Improvement Programs**

Cities with a population of 100,000 or greater are required to develop and maintain a program to improve the collection of court costs, fees, and fines imposed in criminal cases. (Article 103.0033, C.C.P.)

The program must consist of the following:

- A component that conforms with a model developed by the Office of Court Administration that is designed to improve in-house collections;
- A component designed to improve collection balances more than 60 days past due which may be implemented by entering into a contract with a private attorney or public or private vendor in accordance with Article 103.0031, C.C.P.

The Office of Court Administration, in consultation with the State Comptroller, may use case dispositions, population, revenue data, or other appropriate measures to develop a prioritized implementation schedule for programs. Each city shall at least annually submit to the Office of Court Administration and the State Comptroller a written report that includes updated information regarding the program. The report must be in a form approved by the Office in cooperation with the State Comptroller. The Comptroller is required to periodically audit cities to verify the information reported and confirm that the city is conforming with the requirements relating to the program. (Article 103.0033, C.C.P.)

Section 133.058(e), L.G.C., provides that a city may not retain the handling fee (10 percent) relating to court costs if the city is not conforming with its collection improvement program. The city may continue to retain the fee on receipt of a written confirmation from the Comptroller that the city is in compliance with their collection program.

In addition, the city may not retain the 50 percent of the time payment fee if the city is not conforming with its collection improvement program. The city may retain 50 percent of the fee

on receipt of written confirmation from Comptroller that city is in compliance. (Section 133.103, L.G.C.)

True or False

- Q. 142. The Transportation Code requires all cities to allocate fine money collected for traffic convictions in a certain manner in the city's budget. \_\_\_\_\_
- Q. 143. Cities with a population under 5,000 must pay the State all but one dollar of the fines and special expenses under Article 45.0511, C.C.P., collected for offenses under Title 7, T.C. after fines and special expenses reach 30 percent of their budget. \_\_\_\_\_
- Q. 144. When a parent is convict of contributing to nonattendance, the city must pay the fine to the school district. \_\_\_\_\_
- Q. 145. Cities with a population of 100,000 or greater are required to develop and maintain a program to improve the collection of court costs, fees, and fines. \_\_\_\_\_
- Q. 146. The city is required to submit annually a written report about its collection program to the Attorney General's Office. \_\_\_\_\_
- Q. 147. If a city does not conform with its collection program, the city cannot retain its 10 percent handling fee or the 50 percent of the time payment fee. \_\_\_\_\_

## PART 8 CITY CONTRACTS

### A. With the Department of Public Safety

Cities may contract with DPS to deny driver's license renewal to a person who fails to appear, fails to pay, or fails to satisfy the judgment in a manner ordered by the court. (Chapter 706, T.C.) Offenses that may not be reported are traffic offenses with a penalty of more than \$1,000. If a city enters into an agreement with DPS, the court is required to collect an additional \$30 fee from defendants. Twenty dollars of the fee is remitted to the State, \$6 is paid to OmniBase, the vendor that DPS has contracted with; and the city keeps \$4.

When a city contracts with DPS, a peace officer issuing a citation for a violation of a traffic law must provide a written warning that tells the violator if he or she fails to appear in court as provided by law for the prosecution of the offense, fails to pay, or fails to satisfy a judgment ordering the payment of a fine and costs in the manner ordered by the court, he or she may be denied driver's license renewal. The warning, which may be printed on the citation, is in addition to any other warning required by law.

The court must assess an administrative fee of \$30 for each violation for which the person failed to appear for a complaint or citation unless the defendant is acquitted of the charges for which the person failed to appear or fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner the court order. Hence, the person shall pay the fee when:

- there is an entry of a judgment on the underlying offense reported to DPS;
- the underlying offense is dismissed;

- bond or other security is posted to reinstate the charge for which the warrant was issued; or
- the person failed to pay a fine or satisfy a judgment in a manner ordered by the court.

In Title 37, Part 1 Chapter 15, Subchapter G, Rule 15.119, of the Texas Administrative Code, DPS has defined acquittal to mean “an official fact-finding made in the context of the adversary proceeding by an individual or group of individuals with the legal authority to decide the question of guilt or innocence. For purposes of this section, acquittal also includes a discharge by the court upon proof of actual innocence.” The last part of this definition would include the offense of failure to maintain financial responsibility or fail to display driver’s license because defendants charged with these offenses have proof of innocence. Upon dismissal of these two charges, the court would not collect the \$30 fee and would report these dismissals as acquittals to OmniBase.

The court shall notify DPS that there is no cause to continue to deny renewal of the driver’s license on payment of the fee and:

- the perfection of an appeal of the case for which the warrant of arrest was issued or judgment arose;
- the dismissal of the charge for which the warrant of arrest was issued or judgment arose;
- the posting of a bond or the giving of other security to reinstate the charge for which the warrant was issued;
- the payment or discharge of the fine and cost owed on an outstanding judgment of the court; or
- other suitable arrangement to pay the fine and cost within the court’s discretion.

DPS may not continue to deny issuance of a driver’s license if DPS receives notice that the person was acquitted of the charge on which the person failed to appear or that the failure to appear report or court order to pay a fine or costs was sent to DPS in error or has been destroyed in accordance with the political subdivision’s records retention policy.

The \$30 fee is accounted for in the following manner:

- the fee shall be deposited into the city treasury;
- the account may be interest-bearing (city may keep interest);
- the city must report yearly on a form approved by the Comptroller to the Comptroller and DPS the amount of funds received and disbursed;
- the city must remit \$20 to Comptroller on or before last day of calendar quarter; and
- the city retains \$10 (\$6 is paid to the vendor) and deposits it in city’s general fund.

## **B. With Texas Department of Transportation**

Chapter 702 of the Transportation Code allows home-rule cities to contract with the county assessor-collector or the Texas Department of Transportation to deny motor vehicle registration to an owner who has an outstanding warrant for failure to appear or failure to pay a fine involving a traffic offense that has a possible maximum fine of \$200 and regulates the conduct or condition of the person operating the motor vehicle or the condition of the motor vehicle. There

is no provision in statutes that provides for a fee for denial of renewal of registration, but cities that enter into an agreement with DOT, would be reporting defendants to DOT. The following information explains the contracts and reporting procedures.

A peace officer issuing a citation in a city that has entered into this type of contract must give notice to the violator of the consequences of his or her failure to appear or failure to pay. The warning may be on the citation or be a separate notice. The warning must state that if the person fails to appear in court as provided by law for the prosecution of the offense or fails to pay a fine for the violation, the person might not be permitted to register a motor vehicle in this state.

A city that enters into this type of contract must notify the county or the Texas Department of Transportation of the following:

- the entry of a judgment and payment of the fine and all court costs;
- perfection of an appeal of the case for which the arrest warrant was issued; or
- dismissal of the charge for which the arrest warrant was issued.

Upon receiving notice from the city, the county must register the defendant's vehicle.

A contract entered into by a city, county, or Texas Department of Transportation is subject to the ability of the parties to provide or pay for the services required under the contract. The statute does not provide for the defendant to pay any additional fees when a city enters into this type of contract. Thus, the court may not assess a fee for reporting a defendant's failure to appear or pay under this contract.

### **C. Collection Contracts**

Article 103.0031, C.C.P., provides authority for a city to contract for collection services. The city may contract for collection of the following, which must be 60 days past due:

- debts and accounts receivable such as fines, fees, restitution, and other debts or costs;
- forfeited bond (Bonds filed by commercial bail bondsman cannot be included in a contract for collection services. Only personal bonds and surety bonds not filed by a commercial bail bondsman can be included in a collection contract.);
- fines and fees assessed by a hearings officer for administrative parking citations; and
- amounts in cases in which the accused failed to appear in compliance with a lawful summons; a lawful order of the court; or specified in a citation, summons, or other notice for administrative parking.
  - Vendors and attorneys sending a communication to an accused person regarding the amount of payment that is acceptable to the court under the court's standard policy for resolution of a case, must include a notice of the person's right to enter a plea or go to trial on any offense charged.
  - The vendor's fee is based on the amount of fine eventually assessed by the court or jury. If the defendant is acquitted of the charge, the vendor does not receive a fee.
  - Vendors cannot collect a fine amount from defendants when there is no judgment. Defendants must contact the court.

Contracts with a public or private vendor or attorney must specify a 30 percent collection fee or it does not come under the authorization of Article 103.0031. Consequently, if the fee is a different amount, it cannot be assessed against a defendant and must be paid by the city. The fee does not apply if a case is dismissed, the defendant is acquitted, or to any part of the fine or cost if a defendant is discharged by jail credit or community service. However, if a defendant makes any partial payment, the court must calculate the amount of the collection fee due. The vendor is paid its 30 percent, then the money is allocated on a pro-rata basis to the State and local costs, and if any money is left, it goes toward the fine. [Attorney General Opinion GA-0147, (2004)]

If a prosecutor chooses to charge a defendant with the offense of failure to appear or violation of promise to appear, the question arises whether the defendant failed to appear on that charge. Has the defendant been given notice of the charge and set for a hearing for that charge and then failed to appear? If not, then that charge could not be reported to the vendor for collection. If the defendant has been given notice of a time and place to appear and failed to appear, the court must wait 60 days before reporting to the vendor. Hence, the original charge and the failure to appear charge will never be reported to the vendor at the same time.

Subsection 103.0031(i), C.C.P., allows cities to enter into a contract to collect a debt incurred on an offense that was committed before June 18, 2003. The collection fee, however, does not apply to the debt and cannot be collected from a defendant.

Municipalities with a population of more than 1.9 million may authorize the addition of the 30 percent collection fee for a collection program performed by employees of the governing body. The only city with that population is the City of Houston.

- Q. 148. If cities want to deny the renewal of drivers' licenses of defendants who fail to appear or fail to pay, they must contract with the DPS. \_\_\_\_\_
- Q. 149. Before a city sends information to deny the renewal of a driver's license, for traffic offenses, the city must give the defendant a written warning of what may happen if the defendant fails to appear or fails to pay, or fails to satisfy a judgment in a manner ordered by the court. \_\_\_\_\_
- Q. 150. When a defendant returns to court after being denied renewal of his or her driver's license, the defendant must pay the court an additional \$30 court costs unless the defendant is acquitted. \_\_\_\_\_
- Q. 151. When a city contracts with the Texas Department of Transportation to deny vehicle registration to defendants who fail to pay or appear, the court must collect upon conviction a \$30 fee. \_\_\_\_\_
- Q. 152. Cities may contract with outside vendors for collection services on cases that are 60 days past due. \_\_\_\_\_
- Q. 153. If the defendant failed to appear, the vendor's fee is based on the amount of fine eventually assessed by the court or jury. \_\_\_\_\_
- Q. 154. Vendor contract can specify any amount of collection fee. \_\_\_\_\_

## GLOSSARY

**Adjudication:** The determination and formal pronouncement of the judgment; to enter a finding of innocence or guilt.

**Allocation:** The process of distributing in equal or proportionate parts.

**Appeal:** The process of having a higher court conduct a new trial or review either the facts and law or just questions of law from a proceeding held in a lower court. In a municipal court of record, the appellate court reviews the transcript of the trial. In municipal courts of non-record, there is a new trial in the appellate court. An appeal is perfected when the appeal bond has been filed with the court. All defendants have the right to appeal convictions.

**Appearance:** The formal proceeding by which a defendant submits himself or herself to the jurisdiction of the court. Other than the defendant, only an attorney hired to represent the defendant may appear for the defendant.

**Bail:** The security given by the accused that he or she will appear and answer before the proper court the accusation brought against him or her. Bail may be made by a personal, or surety bond, or a cash deposit.

**Capias:** A written order issued by the court and directed to any peace officer in the State of Texas, commanding the peace officer to arrest a person accused of an offense and bring the person before the court immediately, or on a day stated in the order.

**Capias Pro Fine:** A written order issued by a judge when a defendant is absent at a time judgment is rendered or when a defendant defaults in payment of fine. It is a written order from a court directed to a peace officer commanding him or her to arrest a person and to bring the person before the court or place him or her in jail until he or she can be brought before the court.

**Citation:** In a criminal case, it is a written notice to appear issued by a peace officer that may be used as the charging instrument.

**Complaint:** An affidavit charging a criminal offense; the formal accusation that a person has committed a criminal offense.

**Deferred Disposition:** A process in which a judge defers the imposition of the fine and grants probation requiring the defendant to adhere to certain terms. If a defendant successfully completes the terms of probation, the judge is required to dismiss the case.

**DIC-15 Form:** The DPS form that is required to be used by the court to report to DPS orders for license suspension for: (1) conviction of most Alcoholic Beverage Code offenses and public intoxication of persons under age 21; (2) failure to complete alcohol awareness program, (3) failure to complete community service; and (4) failure to complete tobacco awareness course. It is also used to report acquittals of DUI and orders of deferred disposition of Alcoholic Beverage Code offenses.

**DIC-21 Form:** The DPS form that is required to be used by the courts to report to DPS convictions of offenses that carry an automatic suspension of driver's license.

**DIC-81 Form:** The DPS form used to report to DPS a juvenile's failure to appear in court or failure to pay a judgment.

**DR-18 Form:** The DPS form used by the courts to report traffic convictions to DPS.

**Discretion:** Sound, professional judgment that encompasses and reflects both equity (fairness) and experience under the law. A latitude of choices within certain legal bounds.

**Ex-Officio:** Powers that may be exercised by an officer, which are not specifically conferred upon him or her, but they are necessarily implied in his or her office; by virtue of the office.

**Forfeiture of Bail:** A process that occurs when a defendant posts bond and then fails to appear. When a defendant posts bond, he or she agrees as a condition of being released to appear in court. The failure to perform the condition of the bond causes the forfeiture of the bail to be declared. (See Chapter 22, C.C.P., for forfeiture procedures)

**Guilty:** A plea by which a defendant confesses to a charged crime, or a verdict by which a defendant is convicted.

**Judgment:** The written declaration of the court signed by the trial judge and entered on record showing the conviction or acquittal of the defendant.

**Juvenile (Minor):** In traffic law, a minor is a person who is younger than 17 years of age; in the Alcoholic Beverage Code, a minor is a person who is under 21 years of age.

**Magistrate:** A judicial officer whose duty it is to preserve the peace within a certain territorial jurisdiction by use of all lawful means, to issue all process intended to aid in preventing and suppressing crime, and to cause the arrest of all offenders by lawful means in order that they may be brought to trial or, after trial, to punishment.

**Misconduct of Office:** Unlawful behavior by a public officer in relation to the duties of his or her office. It includes failure to act in the face of an affirmative duty to act.

**Misdemeanor:** An offense of lesser degree than a felony and generally punishable by fine or imprisonment. Municipal court has jurisdiction over fine-only misdemeanors.

**No Contest or *Nolo Contendere*:** A plea in which the defendant does not contest the charge. *Nolo contendere* has the same legal effect as a guilty plea; however, it may not be used against the defendant as an admission of guilty in a civil suit based upon or growing out of the act upon which the criminal prosecution is based.

**Not Guilty:** A plea entered by the accused to a criminal charge wherein the accused is stating that he or she did not commit the crime charged in court; the form of the verdict of the judge or jury that acquits the defendant.

**Nonresident Violator Compact:** An agreement between certain states to provide a means through which the party jurisdictions may participate in a reciprocal program to provide for the fair and impartial treatment of traffic violators operating within party jurisdictions in recognition of the motorists' right of due process and sovereign statue of a party jurisdiction.

**Office of Court Administration:** An agency of the State that operates under the direction and supervision of the Supreme Court and the Chief Justice of the Supreme Court.

**Ordinance:** A law passed by a county or municipality lawmaking body.

**Plea:** The defendant's answer to the accusation or complaint. In municipal courts, there are five possible pleas: guilty, not guilty, *nolo contendere* (no contest), not guilty by reason of insanity, or the special plea of double jeopardy.

**Proration:** The process of dividing or distributing proportionately.

**School Crossing Zone:** A reduced speed zone designated on a street by a local authority to facilitate safe crossing of the street by children going to or leaving a public or private elementary or secondary school during the time the reduced speed limit applies.

**Serious Traffic Violations:** Traffic offenses, which when committed by a person operating a commercial motor vehicle, are considered to be "serious traffic violations." They include: excessive speeding over 15 mph or more; reckless driving; violation of State and local traffic laws other than parking, weight, or vehicle defect violations, arising in connection with a fatal accident; improper or erratic lane change; or following too closely. (Section 522.003(25), T.C.) Defendants charged with a serious traffic offense may not take a driving safety course.

**Warrant of Arrest:** A written order issued by a magistrate or judge, directing a peace officer to take the body of the person accused of an offense into custody.

**Writ of Mandamus:** A written order issued from a court of superior jurisdiction commanding an administrative or judicial officer of an inferior court to perform a particular act, directing the restoration of the complainant's rights or privileges of which he or she has been illegally deprived, or compelling the performance of a ministerial act or mandatory duty.





## **APPENDIX COURT COSTS**

The following abbreviations are used in the court costs charts in Appendix.

- AF Arrest Fee (Article 102.011(a), C.C.P.)
- BAT Breath Alcohol Testing Fund (Articles 102.016 and 102.075, C.C.P.; and Section 133.102, L.G.C.)
- CCC Consolidate Court Costs Fund (Article 102.075, C.C.P. and Section 133.102, L.G.C.)
- CF Consolidated Fee (Section 133.102, L.G.C.)
- CJP Criminal Justice Planning Fund (Articles 102.056 and 102.075, C.C.P.; and Section 133.102, L.G.C.)
- CS Child Safety Fund (Article 102.014, C.C.P.)
- CR Comprehensive Rehabilitation Fund (Articles 102.081(a), and 102.075, C.C.P.; and Section 133.102, L.G.C.)
- CVC Compensation to Victims of Crime Fund (Article 56.55, C.C.P. and Section 133.102, L.G.C.)
- FA Fugitive Arrest Fund (Article 102.019, C.C.P. and Section 133.102, L.G.C.)
- GR General Revenue (Articles 102.015, and 102.075, C.C.P.; and Section 133.102, L.G.C.)
- JCPT Judicial Court and Personnel Training Fund (Section 56.001, G.C. and Section 133.102, L.G.C.)
- JSF Judicial Supplement Fund (Section 133.105, L.G.C.)
- LEMI Law Enforcement Management Institute (Sections 415.082-415.083, G.C.; Article 102.075, C.C.P.; and Section 133.102, L.G.C.)
- LEOA Law Enforcement Officers Administrative Fund (Sections 415.082-415.083, G.C.; Article 102.075, C.C.P.; and Section 133.102, L.G.C.)
- LEOCE Law Enforcement Officers Continuing Education (Sections 415.082-415.083, G.C.; Article 102.075, C.C.P.; and Section 133.102, L.G.C.)
- LEOSE Law Enforcement Officer Standards Education Fund (Sections 415.082-415.083, G.C.; Article 102.075, C.C.P.; and Section 133.102, L.G.C.)
- OCL Operator's and Chauffeur's Fund (Section 601.192, T.C.; Article 102.075, C.C.P.; and Section 133.102, L.G.C.)
- SJRF State Jury Reimbursement Fee (Article 102.0045, C.C.P.)
- STF State Traffic Fine (Section 542.4031, T.C.)
- TFC Traffic Fund (Section 542.403, T.C.)

**1. Court Costs for Offenses Committed on and after September 1, 1991 and before August 30, 1993**

**State Court Costs**

Offense/ Description	GR	JCPT	LEOS/ LEMI	CVC	CJP	OCL	CR	BAT	Total
<b>MUNICIPAL ORDINANCE</b>									
Parking	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pedestrian	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Other Municipal Offenses</b>									
• Punishable by a fine of \$200 or less	2.50	1.00	1.50	5.00	5.00	N/A	N/A	N/A	15.00
• Punishable by a fine of more than \$200 but less than \$500	2.50	1.00	1.50	15.00	5.00	N/A	N/A	N/A	25.00
• Punishable by a fine of more than \$500	2.50	1.00	1.50	15.00	10.00	N/A	N/A	N/A	30.00
<b>STATE LAW</b>									
<b>Art. 6701d, Uniform Traffic Act</b> (Now Subtitle C, Rules of the Road, T.C.)									
• Parking & Pedestrian	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
• Speeding	2.50	1.00	1.50	5.00	5.00	N/A	5.00	N/A	20.00
• Passing a School Bus	2.50	1.00	1.50	5.00	5.00	N/A	N/A	N/A	15.00
• Other Traffic Offenses	2.50	1.00	1.50	5.00	5.00	N/A	N/A	N/A	15.00
Motorcycle Protective Headgear	2.50	1.00	1.50	5.00	5.00	N/A	5.00	N/A	20.00
Failure to Maintain Financial Responsibility	2.50	1.00	1.50	5.00	5.00	75.00	N/A	N/A	90.00
Texas Commercial Driver's License Act	2.50	1.00	1.50	5.00	5.00	N/A	N/A	30.00	45.00
Other Class C Misdemeanors	2.50	1.00	1.50	5.00	5.00	N/A	N/A	N/A	15.00

**Local Court Costs<sup>1</sup>**

**Add Other Local Fees as Applicable**

Offense/ Description	TFC	CS	AF	Total
<b>MUNICIPAL ORDINANCE</b>				
Parking	N/A	Note <sup>2</sup>	Note <sup>3</sup>	
Pedestrian	N/A	N/A	Note <sup>3</sup>	
<b>Other Municipal Offenses</b>				
• Punishable by a fine of \$200 or less	N/A	N/A	Note <sup>3</sup>	
• Punishable by a fine of less than \$500	N/A	N/A	Note <sup>3</sup>	
• Punishable by a fine of more than \$500	N/A	N/A	Note <sup>3</sup>	
<b>STATE LAW</b>				
<b>Art. 6701d, Uniform Traffic Act</b> (Now Subtitle C, Rules of the Road, T.C.)				
• Parking & Pedestrian	3.00	N/A	5.00	8.00
• Parking in a School Crossing Zone	3.00	20.00	5.00	28.00
• Other Traffic Offenses in a School Crossing Zone	3.00	20.00	5.00	28.00
• Passing a School Bus	3.00	20.00	5.00	28.00
• Other Traffic Offenses	3.00	N/A	5.00	8.00
Motorcycle Protective Headgear	N/A	N/A	5.00	5.00
Failure to Maintain Financial Responsibility	N/A	N/A	5.00	5.00
Texas Commercial Driver's License Act	N/A	N/A	5.00	5.00
Thwarting Compulsory Attendance (Now Parent Contributing to Non-Attendance)	N/A	20.00	N/A	20.00
Other Class C Misdemeanors	N/A	N/A	Note <sup>3</sup>	

**Notes:**

<sup>1</sup> The court may add other costs such as: \$3 jury fee or \$35 for a warrant or *capias*.

<sup>2</sup> Child Safety Fund: Mandatory collection of \$2 to \$5 if city over 850,000; discretionary collection of up to \$5 if city under 850,000 in population.

<sup>3</sup> Five dollar arrest fee is added if a peace officer issues a citation or makes a warrantless arrest.

**2. Court Costs for Offenses Committed on or after August 30, 1993 and before September 1, 1995**

**State Court Costs**

Offense/Description	GR	JCPT	LEOS/LEMI	CVC	CJP	OCL	CR	BAT	Total
<b>MUNICIPAL ORDINANCE</b>									
Parking	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pedestrian	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Other Municipal Offenses</b>									
• Punishable by a fine of \$200 or less	2.50	1.00	1.50	15.00	5.00	N/A	N/A	N/A	25.00
• Punishable by a fine of more than \$200 but less than \$500	2.50	1.00	1.50	35.00	5.00	N/A	N/A	N/A	45.00
• Punishable by a fine of more than \$500	2.50	1.00	1.50	35.00	10.00	N/A	N/A	N/A	50.00
<b>STATE LAW</b>									
<b>Art. 6701d, Uniform Traffic Act (Now Subtitle C, Rules of the Road, T.C.)</b>									
• Parking & Pedestrian	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
• Speeding	2.50	1.00	1.50	15.00	5.00	N/A	5.00	N/A	30.00
• Passing a School Bus	2.50	1.00	1.50	15.00	5.00	N/A	N/A	N/A	25.00
• Other Traffic Offenses	2.50	1.00	1.50	15.00	5.00	N/A	N/A	N/A	25.00
Motorcycle Protective Headgear	2.50	1.00	1.50	15.00	5.00	N/A	5.00	N/A	30.00
Failure to Maintain Financial Responsibility	2.50	1.00	1.50	15.00	5.00	75.00	N/A	N/A	100.00
Texas Commercial Driver's License Act	2.50	1.00	1.50	15.00	5.00	N/A	N/A	30.00	55.00
Other Class C Misdemeanors	2.50	1.00	1.50	15.00	5.00	N/A	N/A	N/A	25.00

**Local Court Costs<sup>1</sup>**

Add Other Local Fees as Applicable

Offense/Description	TFC	CS	AF	Total
<b>MUNICIPAL ORDINANCE</b>				
Parking	N/A	Note <sup>2</sup>	Note <sup>3</sup>	
Pedestrian	N/A	Note <sup>2</sup>	Note <sup>3</sup>	
<b>Other Municipal Offenses</b>				
• Punishable by a fine of \$200 or less	N/A	N/A	Note <sup>3</sup>	
• Punishable by a fine of less than \$500	N/A	N/A	Note <sup>3</sup>	
• Punishable by a fine of more than \$500	N/A	N/A	Note <sup>3</sup>	
<b>STATE LAW</b>				
<b>Art. 6701d, Uniform Traffic Act (Now Subtitle C, Rules of the Road, T.C.)</b>				
• Parking & Pedestrian	3.00	N/A	5.00	8.00
• Parking in a School Crossing Zone	3.00	20.00	5.00	28.00
• Other Traffic Offenses in a School Crossing Zone	3.00	20.00	5.00	28.00
• Passing a School Bus	3.00	20.00	5.00	28.00
• Other Traffic Offenses	3.00	N/A	5.00	8.00
Motorcycle Protective Headgear	N/A	N/A	5.00	5.00
Failure to Maintain Financial Responsibility	N/A	N/A	5.00	5.00
Texas Commercial Driver's License Act	N/A	N/A	5.00	5.00
Thwarting Compulsory Attendance (Now Parent Contributing to Non-Attendance)	N/A	20.00	N/A	20.00
Other Class C Misdemeanors	N/A	N/A	Note <sup>3</sup>	

**Notes:**

<sup>1</sup> The court may add other costs such as: \$3 jury fee or \$35 for a warrant or *capias*.

<sup>2</sup> Child Safety Fund: Mandatory collection of \$2 to \$5 if city over 850,000; discretionary collection of up to \$5 if city under 850,000 in population.

<sup>3</sup> Five dollar arrest fee is added if a peace officer issues a citation or makes a warrantless arrest.

### 3. Court Costs for Offenses between September 1, 1995 and August 31, 1997

#### State Court Costs

Offense/Description	GR	JCPT	LEMI	LEOCE	LEOA	CVC	CJP	OCL	CR	BAT	Total
<b>MUNICIPAL ORDINANCE</b>											
Parking	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pedestrian	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Other Municipal Offenses</b>											
• Punishable by a fine of \$200 or less	2.50	1.00	.50	2.00	1.00	15.00	5.00	N/A	N/A	N/A	27.00
• Punishable by a fine of \$201 through \$500	2.50	1.00	.50	2.00	1.00	35.00	5.00	N/A	N/A	N/A	47.00
• Punishable by a fine of more than \$500	2.50	1.00	.50	2.00	1.00	35.00	10.00	N/A	N/A	N/A	52.00
<b>STATE LAW</b>											
<b>Now Subtitle C, Rules of the Road, T.C.</b>											
• Parking & Pedestrian	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
• Speeding	2.50	1.00	.50	2.00	1.00	15.00	5.00	N/A	5.00	N/A	32.00
• Passing a School Bus	2.50	1.00	.50	2.00	1.00	35.00	10.00	N/A	N/A	N/A	52.00
• Other Traffic Offenses	2.50	1.00	.50	2.00	1.00	15.00	5.00	N/A	N/A	N/A	27.00
<b>Failure to Maintain Financial Responsibility</b>	2.50	1.00	.50	2.00	1.00	15.00	5.00	75.00	N/A	N/A	102.00
<b>Texas Commercial Driver's License Law</b>	2.50	1.00	.50	2.00	1.00	15.00	5.00	N/A	N/A	30.00	57.00
<b>Other Class C Misdemeanors</b>											
• Punishable by a fine of \$500 or less	2.50	1.00	.50	2.00	1.00	15.00	5.00	N/A	N/A	N/A	27.00
• Punishable by a fine of more than \$500	2.50	1.00	.50	2.00	1.00	35.00	10.00	N/A	N/A	N/A	52.00

#### Local Court Costs<sup>1</sup>

Add Other Local Fees as Applicable

Offense/Description	TFC	CS	AF	Total
<b>MUNICIPAL ORDINANCE</b>				
Parking	N/A	Note <sup>2</sup>	Note <sup>3</sup>	
Pedestrian	N/A	N/A	Note <sup>3</sup>	
<b>Other Municipal Offenses</b>				
• Punishable by a fine of \$200 or less	N/A	N/A	Note <sup>3</sup>	
• Punishable by a fine of more than \$200 but less than \$500	N/A	N/A	Note <sup>3</sup>	
• Punishable by a fine of more than \$500	N/A	N/A	Note <sup>3</sup>	
<b>STATE LAW</b>				
<b>Subtitle C, Rules of the Road, T.C.</b>				
• Parking & Pedestrian	3.00	N/A	5.00	8.00
• Parking in a School Crossing Zone	3.00	20.00	5.00	28.00
• Other Traffic Offenses in a School Crossing Zone	3.00	20.00	5.00	28.00
• Passing a School Bus	3.00	20.00	5.00	28.00
• Other Traffic Offenses	3.00	N/A	5.00	8.00
<b>Failure to Maintain Financial Responsibility</b>	N/A	N/A	5.00	5.00
<b>Commercial Driver's License Law</b>	N/A	N/A	5.00	5.00
<b>Thwarting Compulsory Attendance (Now Parent Contributing to Non-Attendance)</b>	N/A	20.00	N/A	20.00
<b>Other Class C Misdemeanors</b>	N/A	N/A	Note <sup>3</sup>	

#### Notes:

<sup>1</sup> The court may add other costs such as: \$3 jury fee or \$35 for a warrant or *capias*, etc.

<sup>2</sup> Child Safety Fund: Mandatory collection of \$2 to \$5 if city over 850,000; discretionary collection of up to \$5 if city under 850,000 in population.

<sup>3</sup> Five dollar arrest fee is added if a peace officer issues a citation or makes a warrantless arrest.

**4. Court Costs Remitted on or after September 1, 1997 and before August 31, 1999**

**State Court Costs**

Offense/Description	JCPT	FA	CVC	CCC	JCD	Total
<b>MUNICIPAL ORDINANCE</b>						
Parking	N/A	N/A	N/A	N/A	N/A	N/A
Pedestrian	N/A	N/A	N/A	N/A	N/A	N/A
<b>Other Municipal Offenses</b>						
• Punishable by a fine of \$200 or less	1.00	5.00	15.00	17.00	.25	38.25
• Punishable by a fine of \$201 through \$500	1.00	5.00	35.00	17.00	.25	58.25
• Punishable by a fine of more than \$500	1.00	5.00	35.00	40.00	.25	81.25
<b>STATE LAW</b>						
<b>Subtitle C, Rules of the Road, T.C.</b>						
• Parking & Pedestrian	N/A	N/A	N/A	N/A	N/A	N/A
• Passing a School Bus	1.00	5.00	35.00	17.00	.25	58.25
• Other Traffic Offenses	1.00	5.00	15.00	17.00	.25	38.25
<b>Other Class C Misdemeanors</b>						
• Punishable by a fine of \$500 or less	1.00	5.00	15.00	17.00	.25	38.25
• Punishable by a fine of more than \$500	1.00	5.00	35.00	17.00	.25	58.25

**Local Court Costs<sup>1</sup>**

**Add Other Local Fees as Applicable**

Offense/ Description	TFC	CS	AF	Total
<b>MUNICIPAL ORDINANCE</b>				
Parking	N/A	Note <sup>2</sup>	Note <sup>3</sup>	
Pedestrian	N/A	N/A	Note <sup>3</sup>	
<b>Other Municipal Offenses</b>				
• Punishable by a fine of \$200 or less	N/A	N/A	Note <sup>3</sup>	
• Punishable by a fine of less than \$500	N/A	N/A	Note <sup>3</sup>	
• Punishable by a fine of more than \$500	N/A	N/A	Note <sup>3</sup>	
<b>STATE LAW</b>				
<b>Subtitle C, Rules of the Road, T.C.</b>				
• Parking & Pedestrian	3.00	N/A	5.00	8.00
• Parking in a School Crossing Zone	3.00	Note <sup>4</sup>	5.00	
• Other Traffic Offenses in a School Crossing Zone	3.00	Note <sup>4</sup>	5.00	
• Passing a School Bus	3.00	Note <sup>4</sup>	5.00	
• Other Traffic Offenses	3.00	N/A	5.00	8.00
<b>Failure to Maintain Financial Responsibility</b>	N/A	N/A	5.00	5.00
<b>Thwarting Compulsory Attendance (Now Parent Contributing to Non-Attendance)</b>	N/A	20.00	N/A	20.00
<b>Failure to Attend School</b>	N/A	20.00	N/A	20.00
<b>Other Class C Misdemeanors</b>	N/A	N/A	Note <sup>3</sup>	

**Notes:**

<sup>1</sup> The court may add other costs such as: \$3 jury fee or \$35 for a warrant or *capias*, etc.

<sup>2</sup> Child Safety Fund: Mandatory collection of \$2 to \$5 if city over 850,000; discretionary collection of up to \$5 if city under 850,000 in population.

<sup>3</sup> Five dollar arrest fee is added if a peace officer issues a citation or makes a warrantless arrest.

<sup>4</sup> Only cities of 400,000 or more population must collect child safety fee in the amount of \$25.

5. **Court Costs Remitted on or after August 31, 1999 and before September 1, 2001**

**State Court Costs**

Offense/Description	JCPT	FA	CVC	CCC	JCD	Total
<b>MUNICIPAL ORDINANCE</b>						
Parking	NA	N/A	N/A	N/A	N/A	N/A
Pedestrian	N/A	N/A	N/A	N/A	N/A	N/A
<b>Other Municipal Offenses</b>						
• Punishable by a fine of \$200 or less	2.00	5.00	15.00	17.00	.50	39.25
• Punishable by a fine o \$201 through \$500	2.00	5.00	35.00	17.00	.50	59.25
• Punishable by a fine of more than \$500	2.00	5.00	35.00	40.00	.50	82.25
<b>STATE LAW</b>						
<b>Subtitle C, Rules of the Road, T.C.</b>						
• Parking & Pedestrian	N/A	N/A	N/A	N/A	N/A	N/A
• Passing a School Bus	2.00	5.00	35.00	17.00	.25	59.25
• Other Traffic Offenses	2.00	5.00	15.00	17.00	.25	39.25
<b>Other Class C misdemeanors</b>						
• Punishable by a fine of \$500 or less	2.00	5.00	15.00	17.00	.25	39.25
• Punishable by a fine of more than \$500	2.00	5.00	35.00	17.00	.25	59.25

**Local Court Costs<sup>1</sup>**

**Add Other Local Fees as Applicable**

Offense/ Description	TFC	CS	AF	Total
<b>MUNICIPAL ORDINANCE</b>				
Parking	N/A	Note <sup>2</sup>	Note <sup>3</sup>	
Pedestrian	N/A	N/A	Note <sup>3</sup>	
<b>Other Municipal Offenses</b>				
• Punishable by a fine of \$200 or less	N/A	N/A	Note <sup>3</sup>	
• Punishable by a fine of \$201 through \$500	N/A	N/A	Note <sup>3</sup>	
• Punishable by a fine of more than \$500	N/A	N/A	Note <sup>3</sup>	
<b>STATE LAW</b>				
<b>Subtitle C, Rules of the Road, T.C.</b>				
• Parking & Pedestrian	3.00	N/A	5.00	8.00
• Parking in a School Crossing Zone	3.00	Note <sup>4</sup>	5.00	
• Other Traffic Offenses in a School Crossing Zone	3.00	Note <sup>4</sup>	5.00	
• Passing a School Bus	3.00	Note <sup>4</sup>	5.00	
• Other Traffic Offenses	3.00	N/A	5.00	8.00
Failure to Maintain Financial Responsibility	N/A	N/A	5.00	5.00
Thwarting Compulsory Attendance (Now Parent Contributing to Non-Attendance)	N/A	20.00	N/A	20.00
Failure to Attend School	N/A	20.00	N/A	20.00
Other Class C Misdemeanors	N/A	N/A	Note <sup>3</sup>	

**Notes:**

<sup>1</sup> The court may add other costs such as: \$3 jury fee or \$50 for a warrant or *capias*, etc.

<sup>2</sup> Child Safety Fund: Mandatory collection of \$2 to \$5 if city over 850,000; discretionary collection of up to \$5 if city under 850,000 in population.

<sup>3</sup> Five dollar arrest fee is added if a peace officer issues a citation or makes a warrantless arrest.

<sup>4</sup> Only cities of 400,000 or more population must collect child safety fee in the amount of \$25.

**6. Court Costs Remitted on or after September 1, 2001 and before September 1, 2003**

**State Court Costs**

Offense/ Description	JCPT	FA	CVC	CCC	JCD	CMI	Total
<b>MUNICIPAL ORDINANCE</b>							
Parking	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pedestrian	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Other Municipal Offenses</b>							
• Punishable by a fine of \$200 or less	2.00	5.00	15.00	17.00	.50	.50	40.00
• Punishable by a fine o \$201 through \$500	2.00	5.00	35.00	17.00	.50	.50	60.00
• Punishable by a fine of more than \$500	2.00	5.00	35.00	40.00	.50	.50	83.00
<b>STATE LAW</b>							
<b>Subtitle C, Rules of the Road, T.C.</b>							
• Parking & Pedestrian	N/A	N/A	N/A	N/A	N/A	N/A	N/A
• Speeding	2.00	5.00	15.00	17.00	.50	.50	40.00
• Passing a School Bus	2.00	5.00	35.00	17.00	.50	.50	60.00
• Other Traffic Offenses	2.00	5.00	15.00	17.00	.50	.50	40.00
<b>Other Class C Misdemeanors</b>							
• Punishable by a fine of \$500 or less	2.00	5.00	15.00	17.00	.50	.50	40.00
• Punishable by a fine of more than \$500	2.00	5.00	35.00	17.00	.50	.50	60.00

**Local Court Costs<sup>1</sup>**

**Add Other Local Fees as Applicable**

Offense/ Description	TFC	CS	AF	Total
<b>MUNICIPAL ORDINANCE</b>				
Parking	N/A	Note <sup>2</sup>	Note <sup>3</sup>	
Pedestrian	N/A		Note <sup>3</sup>	
<b>Other Municipal Offenses</b>				
• Punishable by a fine of \$200 or less	N/A	NA	Note <sup>3</sup>	
• Punishable by a fine of \$201 through \$500	N/A	NA	Note <sup>3</sup>	
• Punishable by a fine of more than \$500	N/A	NA	Note <sup>3</sup>	
<b>STATE LAW</b>				
<b>Subtitle C, Rules of the Road, T.C.</b>				
• Parking & Pedestrian	3.00	N/A	5.00	8.00
• Parking in a School Crossing Zone	3.00	25.00	5.00	33.00
• Other Traffic Offenses in a School Crossing Zone	3.00	25.00	5.00	33.00
• Passing a School Bus	3.00	25.00	5.00	33.00
• Other Traffic Offenses	3.00	N/A	5.00	8.00
Failure to Maintain Financial Responsibility	N/A	N/A	5.00	5.00
Thwarting Compulsory Attendance (Now Parent Contributing to Non-Attendance)	N/A	20.00	N/A	20.00
Failure to Attend School	N/A	20.00	N/A	20.00
<b>Other Class C Misdemeanors</b>	N/A	N/A	Note <sup>3</sup>	

**Notes:**

<sup>1</sup> The court may add other costs such as: \$3 jury fee or \$50 for a warrant or *capias*, etc.

<sup>2</sup> Child Safety Fund: Mandatory collection of \$2 to \$5 if city over 850,000; discretionary collection of up to \$5 if city under 850,000 in population.

<sup>3</sup> Five dollar arrest fee is added if a peace officer issues a citation or makes a warrantless arrest.



**7. Court Costs Remitted on or after September 1, 2003 and before January 1, 2004**

**State Court Costs**

Offense/ Description	JCPT	FA	CVC	CCC	JCD	CMI	STF	Total
<b>MUNICIPAL ORDINANCE</b>								
Parking	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pedestrian	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Other Municipal Offenses</b>								
• Punishable by a fine of \$200 or less	2.00	5.00	15.00	17.00	.50	.50	NA	40.00
• Punishable by a fine of \$201 through \$500	2.00	5.00	35.00	17.00	.50	.50	NA	60.00
• Punishable by a fine of more than \$500	2.00	5.00	35.00	40.00	.50	.50	NA	83.00
<b>STATE LAW</b>								
<b>Subtitle C, Rules of the Road, T.C.</b>								
• Parking & Pedestrian	N/A	N/A	N/A	N/A	N/A	N/A	30.00	30.00
• Passing a School Bus	2.00	5.00	35.00	17.00	.50	.50	30.00	90.00
• Other Traffic Offenses	2.00	5.00	15.00	17.00	.50	.50	30.00	70.00
<b>Other Class C Misdemeanors</b>								
• Punishable by a fine of \$500 or less	2.00	5.00	15.00	17.00	.50	.50	N/A	40.00
• Punishable by a fine of more than \$500	2.00	5.00	35.00	17.00	.50	.50	N/A	60.00

**Local Court Costs<sup>1</sup>**

**Add Other Local Fees as Applicable**

Offense/ Description	TFC	CS	AF	Total
<b>MUNICIPAL ORDINANCE</b>				
Parking	N/A	Note <sup>2</sup>	Note <sup>3</sup>	
Pedestrian	N/A	N/A	Note <sup>3</sup>	
<b>Other Municipal Offenses</b>				
• Punishable by a fine of \$200 or less	N/A	N/A	Note <sup>3</sup>	
• Punishable by a fine of \$201 through \$500	N/A	N/A	Note <sup>3</sup>	
• Punishable by a fine of more than \$500	N/A	N/A	Note <sup>3</sup>	
<b>STATE LAW</b>				
<b>Subtitle C, Rules of the Road, T.C.</b>				
• Parking & Pedestrian	3.00	N/A	5.00	8.00
• Parking in a School Crossing Zone	3.00	25.00	5.00	33.00
• Other Traffic Offenses in a School Crossing Zone	3.00	25.00	5.00	33.00
• Passing a School Bus	3.00	25.00	5.00	33.00
• Other Traffic Offenses	3.00	N/A	5.00	8.00
Failure to Maintain Financial Responsibility	N/A	N/A	5.00	5.00
Thwarting Compulsory Attendance (Now Parent Contributing to Non-Attendance)	N/A	20.00	N/A	20.00
Failure to Attend School	N/A	20.00	N/A	20.00
<b>Other Class C Misdemeanors</b>				
	N/A	N/A	Note <sup>3</sup>	

**Notes:**

<sup>1</sup> The court may add other costs such as: \$3 jury fee or \$50 for a warrant or *capias*, etc.

<sup>2</sup> Child Safety Fund: Mandatory collection of \$2 to \$5 if city over 850,000; discretionary collection of up to \$5 if city under 850,000 in population.

<sup>3</sup> Five dollar arrest fee is added if a peace officer issues a citation or makes a warrantless arrest.

## 8. Court Costs Remitted on or after January 1, 2004

### State Court Costs

Offense/ Description	CF	STF	Total
<b>MUNICIPAL ORDINANCE</b>			
Parking	N/A	N/A	N/A
Pedestrian	N/A	N/A	N/A
<b>Other Municipal Offenses</b>			
• Punishable by a fine of \$200 or less	40.00	N/A	40.00
• Punishable by a fine of \$201 through \$500	40.00	N/A	40.00
• Punishable by a fine of more than \$500	40.00	N/A	40.00
<b>STATE LAW</b>			
<b>Subtitle C, Rules of the Road, T.C.</b>			
• Parking & Pedestrian	N/A	30.00	30.00
• Passing a School Bus	40.00	30.00	70.00
• Other Traffic Offenses	40.00	30.00	70.00
<b>Other Class C Misdemeanors</b>			
• Punishable by a fine of \$500 or less	40.00	N/A	40.00
• Punishable by a fine of more than \$500	40.00	N/A	40.00

### Local Court Costs<sup>1</sup>

#### Add Other Local Fees as Applicable

Offense/ Description	TFC	CS	AF	Total
<b>MUNICIPAL ORDINANCE</b>				
Parking	N/A	Note <sup>2</sup>	Note <sup>3</sup>	
Pedestrian	N/A		Note <sup>3</sup>	
<b>Other Municipal Offenses</b>				
• Punishable by a fine of \$200 or less	N/A	N/A	Note <sup>3</sup>	
• Punishable by a fine of \$201 through \$500	N/A	N/A	Note <sup>3</sup>	
• Punishable by a fine of more than \$500	N/A	N/A	Note <sup>3</sup>	
<b>STATE LAW</b>				
<b>Subtitle C, Rules of the Road, T.C.</b>				
• Parking & Pedestrian	3.00	N/A	5.00	8.00
• Parking in a School Crossing Zone	3.00	25.00	5.00	33.00
• Other Traffic Offenses in a School Crossing Zone	3.00	25.00	5.00	33.00
• Passing a School Bus	3.00	25.00	5.00	33.00
• Other Traffic Offenses	3.00	N/A	5.00	8.00
Failure to Maintain Financial Responsibility	N/A	N/A	5.00	5.00
Thwarting Compulsory Attendance (Now Parent Contributing to Non-Attendance)	N/A	20.00	N/A	20.00
Failure to Attend School	N/A	20.00	N/A	20.00
<b>Other Class C Misdemeanors</b>	N/A	N/A	Note <sup>3</sup>	

#### Notes:

<sup>1</sup> The court may add other costs such as: \$3 jury fee or \$50 for a warrant or *capias*, etc.

<sup>2</sup> Child Safety Fund: Mandatory collection of \$2 to \$5 if city over 850,000; discretionary collection of up to \$5 if city under 850,000 in population.

<sup>3</sup> Five dollar arrest fee is added if a peace officer issues a citation or makes a warrantless arrest.

**9. Court Costs Remitted on or after September 1, 2005 and before December 1, 2005**

**State Court Costs**

Offense/Description	CF	STF	SJRF	Total
<b>MUNICIPAL ORDINANCE</b>				
Parking	N/A	N/A	N/A	N/A
Pedestrian	N/A	N/A	N/A	N/A
<b>Other Municipal Offenses</b>				
• Punishable by a fine of \$200 or less	40.00	N/A	4.00	44.00
• Punishable by a fine of \$201 through \$500	40.00	N/A	4.00	44.00
• Punishable by a fine of more than \$500	40.00	N/A	4.00	44.00
<b>STATE LAW</b>				
<b>Subtitle C, Rules of the Road, T.C.</b>				
• Parking & Pedestrian	N/A	30.00		30.00
• Passing a School Bus	40.00	30.00	4.00	74.00
• Other Traffic Offenses	40.00	30.00	4.00	74.00
<b>Other Class C Misdemeanors</b>				
• Punishable by a fine of \$500 or less	40.00	N/A	4.00	44.00
• Punishable by a fine of more than \$500	40.00	N/A	4.00	44.00

**Local Court Costs<sup>1</sup>**

**Add Other Local Fees as Applicable**

Offense/Description	TFC	CS	AF	Total
<b>MUNICIPAL ORDINANCE</b>				
Parking	N/A	Note <sup>2</sup>	Note <sup>3</sup>	
Pedestrian	N/A		Note <sup>3</sup>	
<b>Other Municipal Offenses</b>				
• Punishable by a fine of \$200 or less	N/A	N/A	Note <sup>3</sup>	
• Punishable by a fine of \$201 through \$500	N/A	N/A	Note <sup>3</sup>	
• Punishable by a fine of more than \$500	N/A	N/A	Note <sup>3</sup>	
<b>STATE LAW</b>				
<b>Subtitle C, Rules of the Road, T.C.</b>				
• Parking & Pedestrian	3.00	N/A	5.00	8.00
• Parking in a School Crossing Zone	3.00	25.00	5.00	33.00
• Other Traffic Offenses in a School Crossing Zone	3.00	25.00	5.00	33.00
• Passing a School Bus	3.00	25.00	5.00	33.00
• Other Traffic Offenses	3.00	N/A	5.00	8.00
<b>Failure to Maintain Financial Responsibility</b>	N/A	N/A	5.00	5.00
<b>Thwarting Compulsory Attendance</b>	N/A	20.00	N/A	20.00
<b>Now Parent Contributing to Non-Attendance)</b>				
<b>Failure to Attend School</b>	N/A	20.00	N/A	20.00
<b>Other Class C Misdemeanors</b>	N/A	N/A	Note <sup>3</sup>	

**Notes:**

<sup>1</sup> The court may add other costs such as: \$3 jury fee or \$50 for a warrant or *capias*, etc.

<sup>2</sup> Child Safety Fund: Mandatory collection of \$2 to \$5 if city over 850,000; discretionary collection of up to \$5 if city under 850,000 in population.

<sup>3</sup> Five dollar arrest fee is added if a peace officer issues a citation or makes a warrantless arrest.

## 10. Court Costs Remitted on or after December 1, 2005

### State Court Costs

Offense/ Description	CF	STF	SJRF	JSF	Total
<b>MUNICIPAL ORDINANCE</b>					
Parking	N/A	N/A	N/A	N/A	N/A
Pedestrian	N/A	N/A	N/A	N/A	N/A
<b>Other Municipal Offenses</b>					
• Punishable by a fine of \$200 or less	40.00	N/A	4.00	4.00	48.00
• Punishable by a fine of \$201 through \$500	40.00	N/A	4.00	4.00	48.00
• Punishable by a fine of more than \$500	40.00	N/A	4.00	4.00	48.00
<b>STATE LAW</b>					
<b>Subtitle C, Rules of the Road, T.C.</b>					
• Parking & Pedestrian	N/A	30.00			30.00
• Passing a School Bus	40.00	30.00	4.00	4.00	78.00
• Other Traffic Offenses	40.00	30.00	4.00	4.00	78.00
<b>Other Class C Misdemeanors</b>					
• Punishable by a fine of \$500 or less	40.00	N/A	4.00	4.00	48.00
• Punishable by a fine of more than \$500	40.00	N/A	4.00	4.00	48.00

### Local Court Costs<sup>1</sup>

Add Other Local Fees as Applicable

Offense/ Description	TFC	CS	AF	Total
<b>MUNICIPAL ORDINANCE</b>				
Parking	N/A	Note <sup>2</sup>	Note <sup>3</sup>	
Pedestrian	N/A		Note <sup>3</sup>	
<b>Other Municipal Offenses</b>				
• Punishable by a fine of \$200 or less	N/A	N/A	Note <sup>3</sup>	
• Punishable by a fine of \$201 through \$500	N/A	N/A	Note <sup>3</sup>	
• Punishable by a fine of more than \$500	N/A	N/A	Note <sup>3</sup>	
<b>STATE LAW</b>				
<b>Subtitle C, Rules of the Road, T.C.</b>				
• Parking & Pedestrian	3.00	N/A	5.00	8.00
• Parking in a School Crossing Zone	3.00	25.00	5.00	33.00
• Other Traffic Offenses in a School Crossing Zone	3.00	25.00	5.00	33.00
• Passing a School Bus	3.00	25.00	5.00	33.00
• Other Traffic Offenses	3.00	N/A	5.00	8.00
Failure to Maintain Financial Responsibility	N/A	N/A	5.00	5.00
Thwarting Compulsory Attendance (Now Parent Contributing to Non-Attendance)	N/A	20.00	N/A	20.00
Failure to Attend School	N/A	20.00	N/A	20.00
<b>Other Class C Misdemeanors</b>	N/A	N/A	Note <sup>3</sup>	

#### Notes:

<sup>1</sup> The court may add other costs such as: \$3 jury fee or \$50 for a warrant or *capias*, etc.

<sup>2</sup> Child Safety Fund: Mandatory collection of \$2 to \$5 if city over 850,000; discretionary collection of up to \$5 if city under 850,000 in population.

<sup>3</sup> Five dollar arrest fee is added if a peace officer issues a citation or makes a warrantless arrest.



## ANSWERS TO QUESTIONS

### PART 1

- Q. 1. The court is required to report the:
- a. conviction:
    - Orders of the driver's license suspension; and
    - Failure to complete the alcohol awareness program or community service; and failure to pay a violation of a court order;
  - b. failure to appear;
  - c. orders of deferred; and
  - d. acquittals of driving under the influence of an alcoholic beverage.
- Q. 2. It is effective 11 days after the judgment is entered.
- Q. 3. The DIC-15 form.
- Q. 4. The penalty is a fine of not less than \$250 or more than \$2000 and/or confinement in jail for a term not to exceed 180 days.
- Q. 5. The length of the suspension is a period not to exceed six months.
- Q. 6. The court is required to use DPS form DIC-15.
- Q. 7. The court can order DPS to suspend or deny issuance of the driver's license when the person fails to pay or violates a court order only if the court conducts a contempt hearing under Article 45.050, C.C.P., retains jurisdiction, and orders the suspension as a sanction of the contempt.
- Q. 8. The report must be submitted within two years from the failure to appear.
- Q. 9. The court must report that deferred disposition was granted and the date the deferred is granted.
- Q. 10. The court is required to report the acquittal to DPS.
- Q. 11. When a person under the age of 21 is charged with the offense of public intoxication, the court must follow the punishment rules required when a person is convicted of committing an Alcoholic Beverage Code offense. (Section 49.02(e), P.C.) The court sets a fine that may not exceed \$500, requires community service, requires attendance at an alcohol awareness program, and orders DPS to suspend or deny issuance of a driver's license. The penalty is found in Section 106.071, A.B.C.
- Q. 12. Courts must report a conviction of this offense in the same manner as reporting traffic offenses.
- Q. 13. The court is required to report to DPS a conviction. When a judgment is entered for this offense, the court is required to note an affirmative finding in the judgment. If the offense is a subsequent offense, the court is required to enter a special affirmative finding. When DPS receives the second conviction report, DPS will suspend the defendant's driver's license.
- Q. 14. Defendants charged with the following offenses must complete a tobacco awareness program when convicted of possession, purchase, consumption, or receipt of cigarettes or tobacco products.

- Q. 15. The court must order DPS to suspend the minor's driver's license or deny issuance of a driver's license if the minor does not have one for a period of time not to exceed 180 days. The order must specify the period of the suspension or denial. The court uses DPS form number DIC-15 to report and must report that this was a failure to complete the tobacco awareness program instead of the original offense.
- Q. 16. Each magistrate or judge of a court not of record and each clerk of a court of record are required to keep records of persons charged with traffic offenses.
- Q. 17. Since the keeping of the records is a ministerial duty, usually the clerk of the court maintains all the records including those cases where a traffic offense is charged.
- Q. 18. True.
- Q. 19. True.
- Q. 20. True.
- Q. 21. True.
- Q. 22. False.
- Q. 23. False.
- Q. 24. Section 543.202, T.C., requires the DR-18 report of traffic convictions of commercial drivers operating a commercial motor vehicle (CMV) contain the following additional information:
- commercial driver's license number and social security number, if available;
  - that the vehicle was a commercial motor vehicle;
  - whether the vehicle was involved in the transporting of hazardous materials; and
  - date and nature of offense, including whether the offense was a serious traffic offense as defined in Section 522.003(25), T.C. (Serious traffic offenses arise from the driving of a commercial motor vehicle for excessive speeding over 15 mph or more; reckless driving; violations of state and local traffic laws other than parking, weight, or vehicle defect violations, arising in connection with a fatal accident; improper or erratic lane change; or following too closely.)
- Q. 25. Misconduct in office and may be grounds for removal from clerk or judge's position.
- Q. 26. The court may require the defendant to surrender to the court his or her driver's license. If the court takes the license, the clerk must not later than the 10<sup>th</sup> day after the license is surrendered forward the license together with a record of the conviction to DPS.
- Q. 27. The period of suspension may not be for less than 90 days or for more than one year.
- Q. 28. Courts are required to report on DPS form DIC-21.
- Q. 29. The court must report the date that the defendant completed the driving safety course.
- Q. 30. The court must report the date the defendant completed the teen court program.

- Q. 31. When a person under the age of 17 fails to pay a fine and/or court costs or violates a court order, the municipal court conducts a contempt hearing. If the court retains jurisdiction of the juvenile and finds the juvenile in contempt, the court may order DPS to suspend or deny issuance of the driver's license as a sanction of the contempt. (Article 45.050(c)(2), C.C.P.)
- Q. 32. The court must first send the defendant a notice reminding the defendant to take care of their business with the court. The court waits 15 days for a response from the defendant.
- Q. 33. The court must mail the 4<sup>th</sup> copy (defendant's receipt) to the defendant and mail the 5<sup>th</sup> copy of the notice, which is the notice of withdrawal of suspension to DPS.
- Q. 34. No action will be taken under the terms of the *Nonresident Violator Compact* for the following violations:
- moving traffic violation which alone carries a suspension;
  - equipment violations;
  - motor carrier violations;
  - lease law violations;
  - registration law violations;
  - offenses which mandate personal appearance;
  - size and weight limit violations;
  - parking or standing violations; and
  - transportation of hazardous material violations.
- Q. 35. Clerks should report an out-of-state violator's failure to appear or failure to pay immediately because DPS may not transmit a report on any violation if the date of the transmission is more than six months after the date on which the traffic citation was issued.
- Q. 36. The court only reports a traffic conviction to DPS if the defendant fails to complete the terms of the deferred disposition. The report is submitted after the judge enters a final adjudication in the case (signs the final judgment of guilty).
- Q. 37. The suspension or denial cannot exceed 365 days.
- Q. 38. The municipal court does not report the conviction to the Department of Public Safety because in a non-record municipal court the judgment is nullified. In municipal courts of record, if the judgment of the municipal court is affirmed, then the court reports the conviction to the Department of Public Safety. If the judgment is reversed on the appeal, the municipal court of record does not report the conviction.
- Q. 39. The court only reports a conviction if the defendant is convicted in the new trial.
- Q. 40. Section 543.202, T.C., requires the DR-18 report of traffic convictions of commercial drivers operating a commercial motor vehicle contain the following additional information:
- commercial driver's license number and social security number, if available;
  - that the vehicle was a commercial motor vehicle;
  - whether the vehicle was involved in the transporting of hazardous materials; and
  - date and nature of offense, including whether the offense was a serious traffic offense as defined in Section 522.003(25), T.C. (Serious traffic offenses arise from the driving of a commercial motor vehicle for excessive speeding over 15 mph or more; reckless driving; violations of state and local traffic laws other than parking,



weight, or vehicle defect violations, arising in connection with a fatal accident; improper or erratic lane change; or following too closely.)

- Q. 41. When a defendant is convicted of an offense charged under Section 521.453, T.C., the court must report this conviction to DPS on DPS form DIC-21. This form is used to report any offense that carries an automatic driver's license suspension upon conviction. Information that must be reported on DIC-21 includes the following:
- name;
  - address of defendant;
  - social security number;
  - race;
  - gender;
  - offense committed;
  - date offense committed;
  - conviction date;
  - beginning and ending dates of suspension [Court sets period of suspension of not less than 90 days or more than one year. If the court does not set the period, the department is required to suspend the license for one year. (Section 521.346, T.C.)];
  - name and title of person certifying information on report;
  - court address;
  - docket number; and
  - city and county.

## **PART 2**

- Q. 42. The clerk must provide notice of the convictions of the Alcoholic Beverage Code offenses on a form approved by the Texas Commission on Alcohol and Drug Abuse.

## **PART 3**

- Q. 43. The Office of Court of Administration is an agency of the State and operates under the direction and supervision of the Supreme Court.
- Q. 44. The mission of the OCA is to provide administrative assistance and technical support to all of the courts in the State.
- Q. 45. The Council studies methods to simplify judicial procedures, expedite court business, and better administer justice. It examines the work accomplished by the courts and submits recommendations for improvement of the system to the Legislature, the Governor, and the Supreme Court.
- Q. 46. The city secretary is required to notify the Texas Judicial Council of the name of each person who is elected or appointed as mayor, municipal judge, and clerk of the municipal court.
- Q. 47. The city secretary must make the report within 30 days after the date of the person's election or appointment.
- Q. 48. If an official does not supply the information requested by the Office of Court Administration after a reasonable amount of time after the request, he or she is presumed to have willfully refused the request.

- Q. 49. The duty to supply information to the Office of Court Administration may be enforced with a writ of *mandamus*, which is an order from a court of superior jurisdiction to compel the municipal judge or clerk to perform a particular act that he or she has a duty to do.
- Q. 50. The Supreme Court and the Court of Criminal Appeals are not required to submit monthly reports.
- Q. 51. Court activity for each month must be reported to the OCA by the 20<sup>th</sup> day following the end of the month being reported.
- Q. 52. The court must identify the name of the municipality, the presiding judge, the court clerk, the mailing address of the court, the name of the person actually preparing the report, and the office telephone number of that person.
- Q. 53. If a court does not have activity in a section of the monthly report, the court should not leave the space blank but should show “zero” activity.
- Q. 54. True.
- Q. 55. True.
- Q. 56. False (All revenue, including court costs, fees, and fines is required to be reported.).

#### **PART 4**

- Q. 57. No.
- Q. 58. For the purpose of collecting court costs, Section 133.101, L.G.C., defines conviction as:
- a judgment, a sentence, or both a judgment and a sentence are imposed on the person;
  - the person receives community supervision, deferred adjudication, or deferred disposition; or
  - the court defers final disposition of the case or imposition of the judgment and sentence.
- Q. 59. Court costs reports must be filed with the state by the last day of the month following each calendar quarter.
- Q. 60. The city may keep the interest if it reports timely.
- Q. 61. Cities may not keep the handling fee but must remit it to the State.
- Q. 62. Courts are required to keep separate records of the funds.
- Q. 63. Some cities are required to remit court costs and fees electronically. If \$250,000 or more in court costs and fees are remitted to the Comptroller in a state fiscal year (September through August), payments of \$10,000 or more must be made by electronic funds transfer in the following fiscal year. If a city is affected by this rule, the Comptroller must notify the city no less than 60 days before the first payment is required to be made. (Section 404.095, G.C. and Section 3.9, Part I, Title 34, T.A.C.) Although a city may not be required to remit electronically, a city may voluntarily remit in this manner. Even though a city remits electronically, the reporting must still be done manually.
- Q. 64. False.
- Q. 65. False.
- Q. 66. False.

- Q. 67. False.
- Q. 68. False.
- Q. 69. True.
- Q. 70. False.
- Q. 71. False.
- Q. 72. True.
- Q. 73. All municipal court proceedings cease.
- Q. 74. No, because the conviction is not final—it is appealed.
- Q. 75. A judge may waive fine and costs when a defendant defaults in payment of fine, is indigent, and performing community service would be a hardship.
- Q. 76. Legislative changes apply to offenses occurring on or after the date that the changes become effective.
- Q. 77. The treasurer must still file a report in the regular manner and report that no fees were collected.
- Q. 78. False.
- Q. 79. True.
- Q. 80. False.
- Q. 81. False.
- Q. 82. False.
- Q. 83. False.

**PART 5**

- Q. 84. False.
- Q. 85. False.
- Q. 86. True.
- Q. 87. True.
- Q. 88. False.
- Q. 89. False.
- Q. 90. False.
- Q. 91. True.
- Q. 92. True.
- Q. 93. True.
- Q. 94. False.
- Q. 95. True.
- Q. 96. True.
- Q. 97. True.

- Q. 98. False.
- Q. 99. False.
- Q. 100. False (The court must send \$1 to the State.).
- Q. 101. True.
- Q. 102. False.
- Q. 103. True.
- Q. 104. True.
- Q. 105. False.
- Q. 106. True.
- Q. 107. False.
- Q. 108. False.
- Q. 109. False.
- Q. 110. True.
- Q. 111. False.
- Q. 112. False.
- Q. 113. True.
- Q. 114. True.
- Q. 115. Thirty-five dollars (\$35).
- Q. 116. Five dollars (\$5).
- Q. 117. Five dollars (\$5).
- Q. 118. Thirty-five dollars (\$35).
- Q. 119. Three dollars (\$3).
- Q. 120. False.
- Q. 121. False.
- Q. 122. False.
- Q. 123. For good cause at a show cause hearing.
- Q. 124. Some items that a clerk may want to consider when preparing the analysis are:
- costs of jury summons (paper and printing costs);
  - costs of envelopes and stamps; and
  - clerks' salaries (include time required to prepare jury summons, time to handle requests for exemptions before trial, and time to handle jury on the day of trial).
- Q. 125. Thirty dollars (\$30).
- Q. 126. The judge may assess all necessary and reasonable expenses for meals and lodging incurred by peace officer and 29 cents a mile.
- Q. 127. False.
- Q. 128. True.

- Q. 129. False.
- Q. 130. True.
- Q. 131. True.
- Q. 132. False.
- Q. 133. True.

**PART 6**

- Q. 134. Twelve dollars (\$12).
- Q. 135. The court must deposit \$6 in the city's general revenue account and remit \$6 to State to the Compensation to Victims of Crime Fund.
- Q. 136. The time payment fee is due from a defendant who pays any part of a fine, court costs, or restitution on or after the 31<sup>st</sup> day after the date on which a judgment is entered.
- Q. 137. Each quarter, the city must sent 50 percent of the time payment fee to the State Comptroller. The other 50 percent is retained by the city. The city is required to use 10 percent of the fee (\$2.50) for improving the efficiency of the administration of justice. The other 40 percent (\$10) may be used by the city for any lawful purpose.
- Q. 138. One half of the fines.
- Q. 139. At the end of the city's fiscal year.
- Q. 140. True.
- Q. 141. True.

**PART 7**

- Q. 142. True.
- Q. 143. True.
- Q. 144. False (The city must pay one half of the fine to the school district.).
- Q. 145. True.
- Q. 146. False.
- Q. 147. True.

**PART 8**

- Q. 148. True.
- Q. 149. True.
- Q. 150. True.
- Q. 151. False.
- Q. 152. True.
- Q. 153. True.
- Q. 154. False.