

Legislative Update

Judge Robin D. Smith
Presiding Judge
City of Midland Municipal Court

Judge Deanie M. King
Municipal Juvenile Court
Corpus Christi, Texas
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Administrative Issues

House Bill 1623 – Compliance Dismissals

■ License Plates

- Must be valid at time of offense
- Remedies defect before Court appearance
- \$10 administrative fee
- May be dismissed by Judge

■ Registration

- Has 20 working days to remedy
- Must pay penalty when registering
- \$20 administrative fee
- May be dismissed by Judge

Compliance Dismissals

- Obscured License Plates
 - Has until first Court appearance to remedy
 - \$10 administrative fee
 - May be dismissed by Judge

Compliance Dismissals

- Failure to Exhibit Driver's License
 - Show Court proof of a valid license at the time of the offense
 - Pay a \$10 administrative fee*
 - Defense to prosecution requiring dismissal

*Fee may be unconstitutional

Compliance Dismissals

- Expired License
 - Has 20 working days to remedy
 - \$20 administrative fee
 - May be dismissed by Judge
- Change of Address or Name Violation
 - Has 20 working days to remedy
 - \$20 administrative fee (which may be waived)
 - May be dismissed by Judge

Compliance Dismissals

- License Endorsements
 - Surgically or medically corrected (or required in error)
 - DPS removes endorsement requirement before the first Court appearance date
 - Pays administrative fee of \$10
 - May be dismissed by Judge

Compliance Dismissals

- Defective Equipment Violations
 - Must cure before first appearance date
 - Pay an administrative fee of \$10
 - Judge may dismiss
- Expired Inspection Sticker
 - Expired no longer than 60 days
 - Cured within 20 working days
 - Pay an administrative fee of \$20
 - Judge shall dismiss

Compliance Dismissals

- Expired Wildlife Code Certificate
 - Certificate cannot be out of date for over 60 days
 - Comply within 10 working days
 - Pay an administrative fee of \$10
 - May be dismissed by Judge

HB 1801

Posting of Criminal Dockets

- Creates Article 17.085 CCP
 - Clerk of Court without Internet access must post notice of criminal court docket not less than 48 hours before the docket setting
- Amends Article 44.01 CCP
 - Increases time in which prosecutors may appeal from 15 to 20 days

SB 397

Administration of Oaths

- Amends 602.002 Government Code to allow:
 - Municipal judges, retired municipal judges and clerks to administer oaths

SB 560 Reimbursement for Counseling

- Amends 61.001 Government Code
 - May pay but no requirement to pay municipal court jurors
- Amends 61.002 Government Code
 - Expand the list of programs where jurors may donate to include psychological counseling for jurors
- Creates Article 56.04(f) CCP
 - Allows a commissioners court to approve post trial psychological counseling

SB 1083

Electronic Driving Records

- Judge may require the defendant pay \$12 to purchase a driving record through *Texas Online*
- DPS will send a record back "as soon as practicable"
- All fees collected must be sent to the Comptroller and accounted for

Ordinances

HB 922

Automated Speed Enforcement

- Creates Section 542.2035
Transportation Code
 - Prohibits municipality from using an automated photographic device to record speed and license plates for the purpose of enforcing speed laws

HB 1052

Red Light Camera Warning Signs

- City must install signs along each roadway leading to an intersection with red-light cameras
- Signs must be at least 100 feet from the intersection
- Signs must be easily read and warn of the camera system and a possible monetary penalty

SB 1119

Red Light Cameras

- Creates Chapter 707 Transportation Code
 - Authorizes implementation of Red-Light Camera system and makes owners of vehicles liable for penalties
 - City cannot give camera vendor a percentage
 - City must conduct a traffic and engineering study

- Intersections must be selected by traffic volume, accident history, red light violations without regard to ethnic and socio-economic characteristics of the area
- City must create a *citizen advisory committee*
- Signs required
- Credit reporting may not be used

- Report of accidents for the previous 18 months must be sent to TxDOT within 6 months and provide annual reports
- Minimum change intervals must comply with Texas Manual on Uniform Traffic Control Devices
- General Surveillance using the cameras is prohibited

- Penalty may not exceed \$75 and late fee of \$25
- Local entity may pay cost of:
 - purchasing or leasing equipment;
 - Installing cameras and related devices;
 - Operating costs including mailing of notices, employee time in reviewing and processing; and
 - Maintenance of equipment
- City keeps ½ of what is left over for traffic safety
- City sends ½ of what is left to the State of Texas for regional trauma centers

- Ordinances must contain hearing procedures including penalties, time periods, hearing officers and departmental responsibilities
- Notice must be sent within 30 days to registered owner
- Notice must contain description of violation, intersection location, date and time, a copy of recorded image of the license plate and description of the owners rights and the amount of the penalty

- Owner is presumed to be violator and failure to respond is an admission of liability
- Owner has a minimum of 30 days after the notice is sent to appeal
- Hearing must be set and held
- Preponderance of the evidence is the burden of proof
- Affidavits may be used as evidence

- Appeal to judge by petition
- Before 31 days after finding of liability
- Trial de novo
- May be enforced by registration refusal but not by warrant

Juvenile Justice

HB 2455

Court Appearances

- Amends 25.087 of Education Code
 - Student required to make a court appearance is given an excused absence from school
 - Schools may get funding for excused absences

HB 3692

Community Service

- Amends 45.049 CCP in regard to community service for Minors in Possession of Alcohol and traffic offenses
 - A defendant can elect to perform community service in the county where the court sits or in the county of their residence

SB 1161 Timing of School Attendance Complaints

- Amends Subsection (a), Section 25.0951 Education Code
 - Student fails to attend school on 10 or more days within 6 months, a school must file within 10 days of the student's last absence against the student or parent

Magistrate Duties

HB 2391

Class "a" & "b" Citations

- Amends Article 14.06 CCP
 - Allows citations for certain "a" and "b" misdemeanors
 - Must be a resident of the county
 - For:
 - less than 4 ounces of marijuana,
 - criminal mischief, theft, & graffiti - \$50-\$500,
 - Contraband in correctional facility
 - Driving with license invalid

Procedural Law Changes

HB 2267

Deferred Disposition

- Amends Article 45.051 CCP
 - Allows judge to authorize time-pay or community service for court costs and fees
 - Requires show cause hearing if the defendant fails to provide proof of completion or a term
 - Judge may give additional time to complete
 - Judge may impose fine or lesser fine

**More bills are found
in your written
materials**

**www.capitol.state.tx.
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