



Probationary Statutes

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Amarillo Municipal Court

Understanding Probationary Statutes allowed in Municipal Court.

- ◆ Driving Safety – Art. 45.0511 CCP
- ◆ Deferred Disposition – Art. 45.051 CCP
- ◆ Teen Court – Art. 45.052 CCP
- ◆ Chemical Dependence – Art. 45.053 CCP



DSC and MOC

Article 45.0511 CCP

DCS – Offenses Eligible and Requirements

- ◆ All moving violations under Subtitle C Rules of the Road
- ◆ Disobeying warning signs
- ◆ Juvenile offenders on above violations
- ◆ Valid TXDL required (exception Military)
- ◆ Proof of Insurance required
- ◆ Remember – defendant must always be advised of the right to take the course

DSC - Exceptions

- ◆ Speeding 25mph over limit
- ◆ Speeding over 95mph
- ◆ Leaving the scene
- ◆ Passing a school bus
- ◆ Work zone with workers present
- ◆ CDL holders

DSC – How often

- ◆ Complete once every 12 months, may complete DSC Child Safety in same 12 months

DSC – Requests and Pleas

Request

- ◆ In person
- ◆ By an Attorney
- ◆ By Certified Mail

Plea

- ◆ Guilty or No Contest at time of request
- ◆ Judge has discretion after a finding of guilty

DSC – Fees

- ◆ Court Costs MUST be paid at the time of request
- ◆ \$10 fee by initial appearance
- ◆ Special Expense up to fine amount – discretionary after initial appearance date OR if taken within last 12 months
- ◆ Court MAY collect \$12 for driving record and send it to state comptroller

DSC – Judgment, Time limits and Compliance

- ◆ Judgment is entered at time of request
- ◆ Court defers judgment for 90 days
- ◆ Required for Compliance:
 - certificate of completion
 - certified driving record
 - affidavit stating that DSC has not been taken in the last 12 months

DSC – Satisfactory Completion

- ◆ Judgment removed
- ◆ Case Dismissed
- ◆ Court MUST report to DPS dismissed by course and completion date

DSC – Failure to Complete

- ◆ Show Cause Hearing required
 - Court may allow extension of time to present evidence
 - extension or time to pay may be granted
 - may pay fine or appeal

DSC – Failure to appear at Show Cause Hearing

- ◆ Impose judgment – require fine to be paid and issue Capias Pro Fine
- ◆ Conviction reported to DPS



Deferred Disposition

Article 45.051 CCP

Deferred – Offences Eligible

- ◆ Fine only offenses
- ◆ CDL non-motor vehicle control

Deferred Exceptions

- ◆ Moving violations in Construction Zones with workers present
- ◆ CDL holders

Deferred - Requirements

- ◆ Mandatory DSC for defendants under 25 years old charged with a moving violation
- ◆ Provisional DL holders required to re-examine for DL
- ◆ All alcohol offenses, including PI and under 21 years old must attend a Alcohol Awareness Program and do community service – 1st offense 8 to 10 hrs
2nd offense 20 to 40 hrs

Deferred – Discretionary Requirement

- ◆ Bond to secure fine
- ◆ Restitution to victim
- ◆ Psychosocial assessment
- ◆ Diagnostic testing
- ◆ DSC, Alcohol or Drug treatment or other educational programs
- ◆ Pay for testing ordered by the court

Deferred – Pleas and Fees

PLEA

- ◆ Guilty or No Contest
- ◆ Judge has discretion after a finding of guilt

FEES

- ◆ Collect at time of request
- ◆ Collected at the end of deferred period
- ◆ Pay in payments
- ◆ Pay thru community service
- ◆ Combination of payment and community service

Deferred- Judgment / Time limits

- ◆ Court defers judgment for minimum 1 day to a maximum 180 days

Deferred – Satisfactory Completion

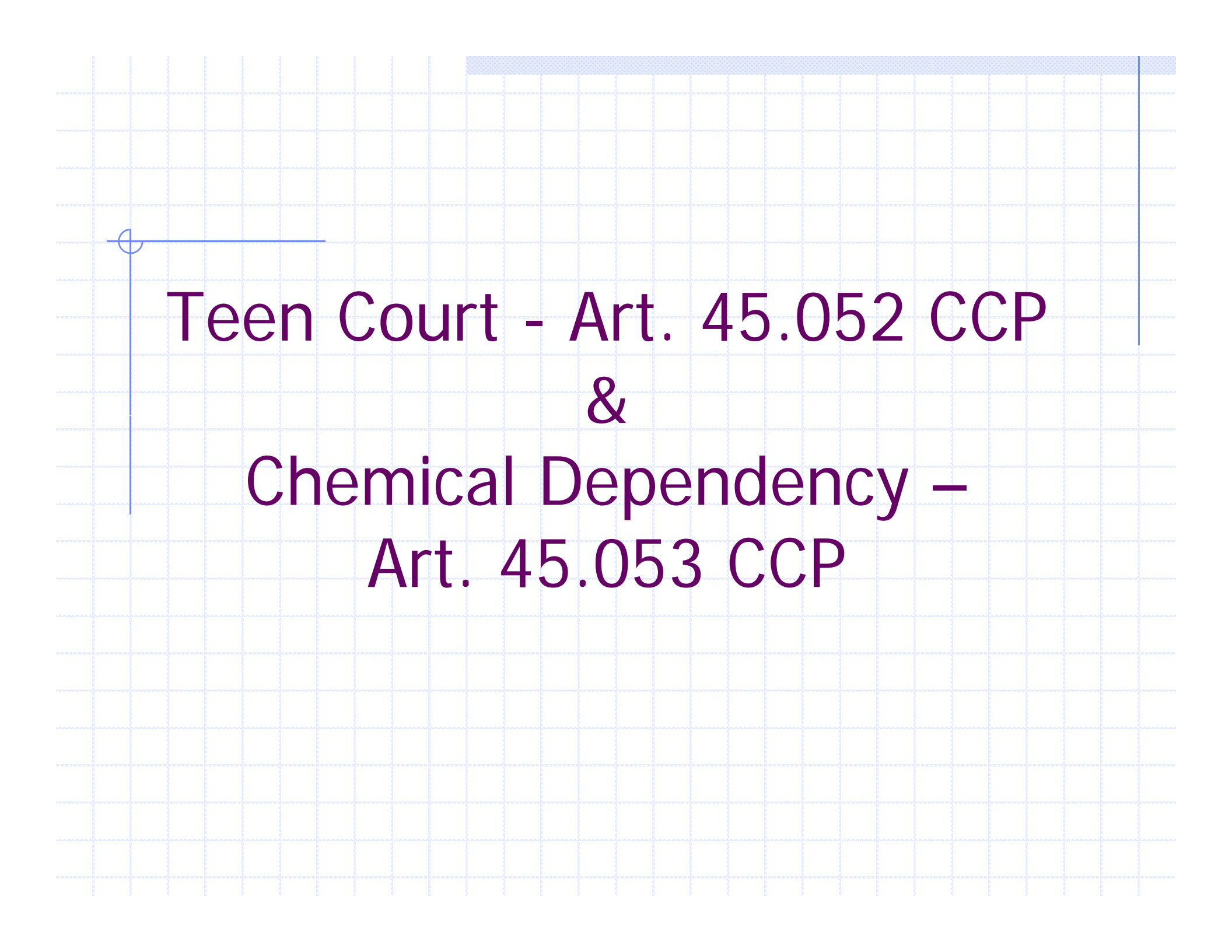
- ◆ Judgment is dismissed
- ◆ Not reported to DPS
- ◆ Minors charged with Alcohol violations reported to DPS as deferred

Deferred – Failure to Complete

- ◆ Show Cause Hearing required – court may allow time to present evidence
- ◆ Judgment entered
- ◆ Penalty imposed of same or lesser amount if at least 25 years old
- ◆ Court must impose fine if under 25 years old
- ◆ Defendant pay fine or Appeal

Deferred – Failure to appear at Show Cause Hearing

- ◆ Impose judgment – require fine to be paid
- ◆ Issue Capias Pro Fine
- ◆ Traffic conviction reported to DPS



Teen Court - Art. 45.052 CCP
&
Chemical Dependency –
Art. 45.053 CCP

TC / Chemical Dependency - Offences Eligible

Teen Court

- ◆ All offences for defendants 18 yrs or less or enrolled in a secondary school

Chem. Depend

- ◆ All "fine only" misdemeanors resulting or relating to chemical Dependency

TC/Chemical Dependency - How often

Teen Court

- ◆ Has not successfully completed a Teen Court program in the 2 years preceding the date of the offence

Chem. Depend

- ◆ No restrictions

TC/Chemical Dependency - Pleas

Teen Court

- ◆ Guilty or No Contest in open court with a parent or guardian

Chem. Depend

- ◆ Guilty or No Contest at the time of request
- ◆ Judge has discretion after finding of guilt

TC/Chemical Dependency - Fees

Teen Court

- ◆ Court Collect at the time of request
- ◆ Judge may waive costs
- ◆ Up to \$20 (\$10 program fee and \$10 court fee)
- ◆ Texas\Louisiana border cities up to \$40 (\$20 program fee and \$20 court fee)

Chem. Depend

- ◆ Court Costs must be collected

TC/Chemical Dependency – Time limits and Compliance

Teen Court

- ◆ 90 day deferral
- ◆ Comply with Teen Court penalty
- ◆ Present evidence of completion

Chem. Depend

- ◆ 90 days to provide proof or treatment plan

TC/Chemical Dependency – Satisfactory Completion

Teen Court

- ◆ Dismiss once successful completion has been turned in
- ◆ Traffic offenses must be reported as Teen Court Completion to DPS

Chem. Depend

- ◆ Dismissed once evidence that the defendant was committed and completed court order treatment
- ◆ Clearly note on Docket this is NOT a conviction, NOT reported to DPS

TC/Chemical Dependency – Failure to Complete

Teen Court

- ◆ No specific instructions for failure to complete exist in statute

Chem. Depend

- ◆ Court may impose fine assessed or a lesser fine
- ◆ Imposition of fine constitutes final conviction