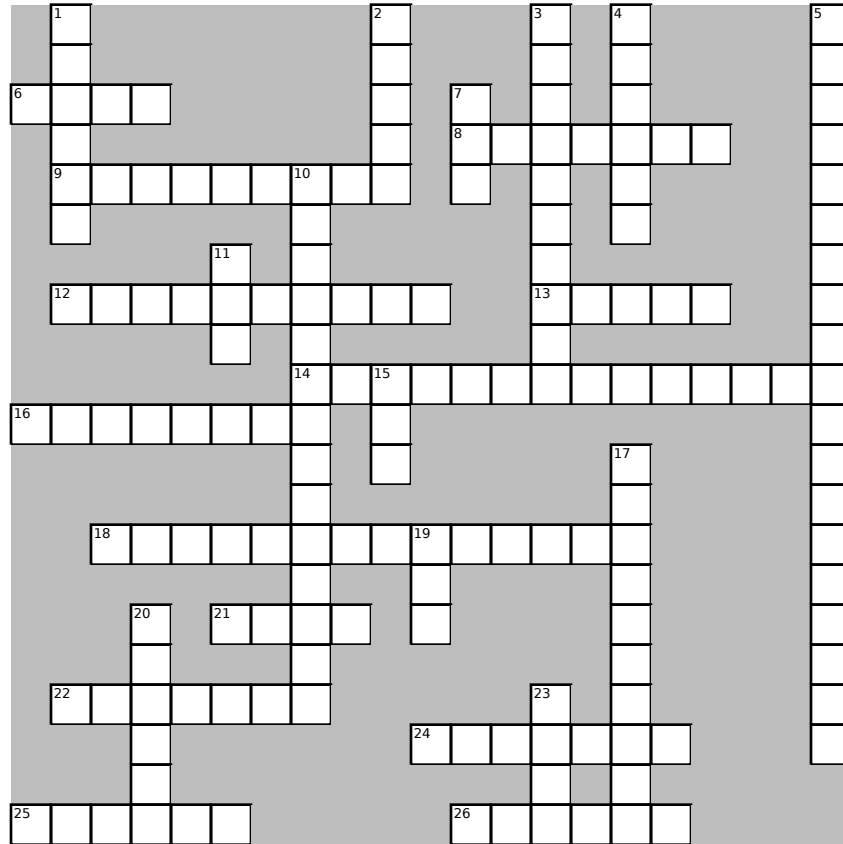


# Fun With Fees



## Across

- 6 No fee authorized when dismissing this charge after verification of proof
- 8 Defendant must show proof for most compliance dismissals within 20 \_\_\_ days
- 9 What happens to case when defendant complies at the end of the "probation"
- 12 No compliance dismissal allowed for equipment violation on a \_\_\_ motor vehicle
- 13 Number of days inspection must be expired less than to be entitled to compliance dismissal
- 14 In lieu of a fine, court imposes an \_\_\_ fee when granting a driving safety course
- 16 Most fees are \_\_\_, not mandatory
- 18 Compliance dismissals are generally found in this code
- 21 Imposed on guilty people after conviction
- 22 If defendant brings in proof of valid DL, it is a \_\_\_ to prosecution
- 24 Defendant may renew an \_\_\_ DL or vehicle registration and get a dismissal
- 25 Many of the fees are in an amount not to \_\_\_ a certain dollar amount
- 26 Generally speaking: max amount of compliance dismissal fee when fee is optional

## Down

- 1 What defendant must do to the defect to get a compliance dismissal
- 2 Statutory word for mandatory
- 3 Must be paid by all people who are "convicted" (2 Words)
- 4 Needed from a prosecutor to dismiss some charges
- 5 Available by statute when defendant corrects a problem leading up to an offense (2 Words)
- 7 Number of compliance dismissals that are mandatory for court to dismiss (with an associated fee)
- 10 In lieu of a fine, court imposes a \_\_\_ fee (2 words) when granting a deferred disposition (2 Words)
- 11 Generally speaking: max amount of compliance dismissal fee when fee is required
- 15 Statutory word for discretionary
- 17 The fine is this
- 19 Max amount of fee associated with person's right to take DSC
- 20 Court must collect fees \_\_\_ court dismisses case
- 23 Fee can be up to the amount of the \_\_\_ that could be imposed for those discretionary "probations"

# Fun with Fees

Presented by Katie Tefft  
Program Director  
TMCEC



What is a fine?  
What is a cost?  
What is a fee?



## Fines are for guilty people

- Punitive in nature
- Prescribed by the Legislature
- Imposed by the court

## Court costs are the bills

- The cost of judicial resources expended for the case
- Apply to those cases where there is a "conviction"



Fees are for "buying" something  
from the court



When court must dismiss

Buying a dismissal by  
completing a "probation"

### Deferred Disposition

Fine?  
Court costs?  
Fee?

### Driving Safety Course

Fine?  
Court costs?  
Fee?

A large blue circle with a thick border, centered on the page. Inside the circle, the text 'Teen Court' and three questions are listed.

## Teen Court

Fine?

Court costs?

Fee?

A large green bracket graphic on the left side of the page, opening to the right.

Buying a dismissal by  
fixing the problem

A large green bracket graphic on the right side of the page, opening to the left.

When court **MAY**  
dismiss



## Expired registration sticker

- Get it registered

## Expired driver license

- Get it renewed

**W/in 20 working days or  
before court, later of**

**Optional fee**

**Up to \$20**



## Didn't change name or address on driver license

- Get it changed w/in  
20 working days
  - Required/optional  
fee
- Up to \$20**



### No registration sticker displayed

- Show it was registered and put sticker on

### Wrong period on registration sticker

- Get one for right period before court

### No valid license plates

- Get some before court

### Wrong period or impaired readability on license plate

- Fix it before court

### Violating driver license restriction/endorsement

- No reason for it and get it removed before court

### Defective equipment

- Fix it before court
- Can't be commercial vehicle

**Required fee  
Up to \$10**

Buying a dismissal by  
fixing the problem

It gets more  
difficult...



## Expired InSpection

- **Get it inspected w/in 20 working days or before court**

## Expired Handicap Placard

- **Get it renewed w/in 20 working days or before court**

- If expired 60 days or less, MUST dismiss
- If expired more than 60 days, MAY dismiss

Fee required?  
Up to \$20



**Sec. 548.605. DISMISSAL OF CHARGE;  
ADMINISTRATIVE FEE.**

(a) In this section, "working day" means any day other than a Saturday, a Sunday, or a holiday on which county offices are closed.

(b) The court shall:

(1) dismiss a charge of driving with an expired inspection certificate if:

(A) the defendant remedies the defect within 20 working days or before the defendant's first court appearance date, whichever is later; and

(B) the inspection certificate has not been expired for more than 60 days; and

(2) assess an administrative fee not to exceed \$20 when the charge of driving with an expired inspection certificate has been remedied.

(c) Notwithstanding Subsection (b)(1)(B), the court may dismiss a charge of driving with an expired inspection certificate that has been expired for more than 60 days.



ys or  
iss

than 60  
iss



I never should've  
gotten the ticket...

## Defenses to prosecution



Don't have driver license in your  
possession

- **Proof you had one**
- **Requires MTD**
- **Fee?**



Don't have CDL in your possession

- Proof you had one
- Requires MTD or acquittal
- Fee?

No inspection sticker displayed

- Proof you had one
- Requires MTD or acquittal
- Fee?

## Failure to Maintain Financial Responsibility

- Proof you had it
- Court shall dismiss upon verification
- Fee?



"What's in a name?  
That which we call a rose by any other name  
would smell as sweet."

-William Shakespeare  
Romeo & Juliet

# FUN WITH FEES



## Disclaimer

- Costs and fees can only be collected if authorized by statute
  - An officer may not impose a cost for a service not performed or for a service for which a cost is not expressly provided by law [Article 103.002, CCP]
  - Costs may not be imposed or collected in criminal cases in municipal court by municipal ordinance [Article 45.203(d), CCP]

## Terminology

### •\$• FINES

Fines are for *guilty* people, once there is a conviction and judgment



- “Fines are labeled “fines” and are clearly punitive in nature.” *Weir v. State*, 278 S.W.3d 364 (Tex. Crim. App. 2009)
- Who sets the fine?
  - Legislature prescribes the minimum and maximum penalty
  - Judge sets the fine amount in the judgment; this is a judicial function

### •\$• COURT COSTS

Court costs are for *guilty* people, whether there is a conviction entered *or* they are a good “probationer”

- Court costs are “intended by the Legislature as a non-punitive “recoupment of the costs of judicial resources expended in connection with the trial of the case.” *Weir v. State*, 278 S.W.3d 364 (Tex. Crim. App. 2009)
- Court costs apply to *convictions* (with its own definition of the word)
  - A person is considered to have been convicted in a case if: [Section 133.101, LGC]
    - 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.



Note: this chart may not identify all applicable costs of court to any given case.

<b>Cost</b>	<b>Statute</b>	<b>Amount</b>	<b>Amount Remitted and to Whom*</b>	<b>Applies to</b>
Consolidated Fee (CF)	133.102, LGC	\$40.00	90% (\$36.00) - credited to 14 accounts; on the quarterly report	All but parking and pedestrian offenses
Judicial Support Fee (JSF)	133.105, LGC	\$6.00	90% (\$5.40) <sup>†</sup> – deposited in the judicial fund; on the quarterly report	All but parking and pedestrian offenses
Indigent Defense Fund (IDF)	133.107, LGC	\$2.00	90% (\$1.80) – credited to the fair defense account; on the quarterly report	All but parking and pedestrian offenses
Juror Reimbursement Fee (JRF)	102.0045, CCP	\$4.00	90% (\$3.60) – deposited in the jury service fund; on the quarterly report	All but parking and pedestrian offenses
State Traffic (STF)	542.4031, TC	\$30.00	95% (\$28.50) – $\frac{2}{3}$ credited to state general revenue fund; $\frac{1}{3}$ to trauma and emergency medical services account; on the quarterly report	Rules of the Road offenses (chapters 541-600, TC)
Local Traffic Fee (TF)	542.403, TC	\$3.00	-0-	Rules of the Road offenses (chapters 541-600, TC)
Moving Violation Fee (MVF)	102.022, CCP	\$0.10	90% (\$0.09) – credited to the Civil Justice Data Repository fund (TCLEOSE); on the quarterly report	Moving violations defined by DPS (37 TAC § 15.89)
Child Safety Fund (CS)	102.014(c), CCP	\$25.00	-0- <sup>††</sup>	Rules of the Road offenses occurring in a school crossing zone
Child Safety Fund (CS)	102.014(c), CCP	\$25.00	-0- <sup>††</sup>	Passing a school bus violations (Section 545.066, TC)
Child Safety Fund (CS)	102.014(d), CCP	\$20.00	-0- <sup>††</sup>	Failure to attend school or parent contributing to nonattendance violations (Sections 25.093 & 25.094, EC)
Jury Fee	102.004, CCP	\$3.00	-0-	If convicted by a jury or withdraw jury trial request within 24 hours of trial
Jury Trial Failure to Appear	45.026, CCP	varies	-0-	Costs incurred for impanelling the jury when defendant fails to appear for jury trial
Peace Officer Services (arrest fee)	102.011, CCP & 133.104, LGC	\$5.00	20%** (\$1.00) – deposited in the state's general revenue fund; on the quarterly report	Warrantless arrests or issuance of citation for traffic law, ordinance, or penal law

Peace Officer Services (warrant fee)	102.011, CCP & 133.104, LGC	\$50.00	20%** (\$10.00) – deposited in the state’s general revenue fund; on the quarterly report	Processing or executing arrest warrant, capias, or capias pro fine
Other Peace Officer Services	102.011, CCP	varies	-0-	Testifying overtime; summons fee (\$35); subpoena fee (\$5); etc.
Restitution Fee	42.037, CCP	\$12.00	50% (\$6.00) – paid to the crime victims compensation fund; no direction on how to remit	If restitution made in specified installments
Time Payment Fee	133.103, LGC	\$25.00	50% <sup>†††</sup> (\$12.50) – deposited in the state’s general fund; on the quarterly report	If pay any part of fine, costs, or restitution paid on or after the 31 <sup>st</sup> day after the date judgment is entered assessing the fine, costs, and restitution
OmniBase Fee	706.006 & 706.007, TC	\$30.00	87% (\$26.00) – \$20.00 to State (\$10 for DPS, \$10 for general fund) & \$6.00 to OmniBase (per contract); on the quarterly report	Failure to pay or failure to appear if city has contract
Scofflaw Fee	702.003, TC	\$20.00	100% to the county	Failure to pay or failure to appear on outstanding warrant for traffic violation
Collection Agency Fee	103.0031, CCP	30% of unpaid fines, fees, costs, restitution, forfeited bonds	100% paid to the private attorney or vendor (or if in Houston, to the court)	Failure to pay or failure to appear if city has contract and amount is more than 60 days past due or more than 60 days have elapsed since the failure to appear
Building Security Fund	102.017, CCP	\$3.00	-0- <sup>††††</sup>	All offenses if city has ordinance
Technology Fund	102.0172, CCP	≤ \$4.00	-0- <sup>†††††</sup>	All offenses if city has ordinance
Juvenile Case Manager Fund	102.0174, CCP	≤ \$5.00	-0- <sup>††††††</sup>	All offenses if city has ordinance and a juvenile case manager position
Child Safety Fund	102.014(a)&(b), CCP	\$2-\$5 if pop > 850,000; ≤ \$5 if pop < 850,000	-0- <sup>††</sup>	Parking violations under Section 542.202 or Chapter 682, TC, if city has ordinance
Special Expense Fee	45.203, CCP	≤ \$25.00	-0-	Service of arrest warrant for FTA or VPTA if city has ordinance
Credit Card Processing Fee & Service Charge	132.002, 132.003, & 132.004, LGC	≤ 5% of fine, cost, or fee; Service charge is same as for NSF check	-0-	If paid by credit card and authorized by governing body  Note: the court has no authority to collect an NSF fee on a check



Driving Record Fee	45.0511, CCP	\$10 plus the state electronic internet portal fee	100% on the quarterly report	If court obtains defendant's driving record in lieu of defendant providing it
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\* Assuming amount is remitted timely

\*\* If officer is a state officer; otherwise 100% of cost stays with the municipality

† **Judicial Support Fee:** \$0.60 retained by the municipality must be used to promote the efficient operation of the court and the investigation, prosecution, and enforcement of offenses within the jurisdiction of the court

†† **Child Safety Fund:** Shall be deposited in municipal child safety trust fund in municipalities with population greater than 850,000; for municipalities with population less than 850,000, shall first fund school crossing guard program with excess expended for programs designed to enhance public safety and security

††† **Time Payment Fee:** 10% of the money retained by the municipality (\$2.50) shall be used for the purpose of improving the efficiency of the administration of justice; the city shall prioritize the needs of the judicial officer who collected the fee

†††† **Security Fund:** To be used only for security personnel, services, and items related to buildings that house the operations of the municipal courts

††††† **Technology Fund:** To be used only to finance the purchase of or to maintain technological enhancements for a municipal court

†††††† **Juvenile Case Manager Fund:** To be used only to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses of a juvenile case manager

## •\$• FEES

Fees are for those people who are “buying” something from the court

- Should be collected prior to the dismissal, or court loses jurisdiction to collect.
- The fees discussed include special expense fees, administrative fees, and compliance dismissal fees.



Court Process	Statute	Conditions	Court Action	Amount of Fee
<b>Deferred Disposition</b> Special Expense Fee	Article 45.051, CCP	<ul style="list-style-type: none"> <li>• Defendant must comply with all requirements imposed during deferral period.</li> <li>• Defendant must pay all court costs.</li> </ul>	Court, on determining that defendant complied with the requirements imposed, <b>shall</b> dismiss complaint and shall clearly note in the docket that complaint is dismissed and there is not a final conviction.	<b>Fee Optional.</b> Not to exceed the amount of the fine that could be imposed. 45.051(a), CCP
<b>Mandatory Driving Safety Course</b> Administrative Fee	Article 45.0511(b), CCP	<ul style="list-style-type: none"> <li>• Defendant must meet all eligibility requirements (i.e., has not completed a DSC in past 12 months, enters plea and request before appearance date, provides proof of financial responsibility).</li> <li>• Defendant must pay all court costs.</li> </ul>	Upon presentation of evidence of completion of course and meeting all requirements, court <b>shall</b> remove interim judgment and dismiss charge.	<b>Fee Optional.</b> Fee is to cover the cost of administering the article. Not to exceed \$10. 45.0511(f)(1), CCP

<p><b>Discretionary Driving Safety Course</b> Administrative Fee</p>	<p>Article 45.0511(d), CCP</p>	<ul style="list-style-type: none"> <li>• Notwithstanding requirement that defendant timely request or not have taken one in past 12 months, judge has discretion to allow.</li> <li>• Defendant must still meet all other eligibility requirements.</li> <li>• Defendant must pay all court costs.</li> </ul>	<p>Upon presentation of evidence of completion of course and meeting all other requirements, court <b>shall</b> remove interim judgment and dismiss charge.</p>	<p><b>Fee Optional.</b> Not to exceed the maximum amount of the fine for the offense committed. 45.0511(f)(2), CCP</p>
<p><b>Teen Court</b> Administrative Fee and Teen Court Fee</p>	<p>Article 45.052, CCP</p>	<ul style="list-style-type: none"> <li>• Defendant must complete teen court program.</li> <li>• Defendant must pay all court costs, but can be waived by judge.</li> </ul>	<p>Upon presentation of evidence of completion, court <b>shall</b> dismiss the charge.</p>	<p>Two fees: <b>Both Optional.</b> One fee is to cover the cost of administering the article. Not to exceed \$10. 45.052(e), CCP Other fee is to cover the cost to the teen court for performing its duties under the article (paid to teen court program). \$10. In TX/LA border region, fees can be \$20. 45.052(i), CCP</p>
<p><b>Expired Motor Vehicle Registration Offense</b> Compliance Dismissal</p>	<p>Section 502.407(b), TC</p>	<ul style="list-style-type: none"> <li>• Defendant must remedy the defect not later than 20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.</li> <li>• Defendant must show proof of payment of late registration fee to county assessor-collector.</li> </ul>	<p>Court <b>may</b> dismiss.</p>	<p><b>Fee Optional.</b> Not to exceed \$20. 502.407(b)(2), TC</p>
<p><b>Operate Motor Vehicle Without Valid Registration Insignia Properly Displayed Offense</b> Compliance Dismissal</p>	<p>Section 502.473 (d), TC</p>	<ul style="list-style-type: none"> <li>• Defendant must show that vehicle was issued a registration sticker that is attached to the vehicle and in effect for the period during which the offense was committed.</li> </ul>	<p>Court <b>may</b> dismiss.</p>	<p><b>Fee Required.</b> Not to exceed \$10. 502.473(d)(2), TC</p>

<p><b>Attaching or Displaying on a Motor Vehicle a Registration Insignia that is Assigned for a Period other than the Period in Effect Offense</b></p> <p>Compliance Dismissal</p>	Section 502.475(c), TC	<ul style="list-style-type: none"> <li>Defendant must remedy the defect before the defendant's first court appearance.</li> </ul>	Court <b>may</b> dismiss.	<p><b>Fee Required.</b></p> <p>Not to exceed \$10. 502.475(c)(2), TC</p>
<p><b>Operate Motor Vehicle Without Two Valid License Plates Offense</b></p> <p>Compliance Dismissal</p>	Section 504.943(d), TC	<ul style="list-style-type: none"> <li>Defendant must remedy the defect before the defendant's first court appearance.</li> </ul>	Court <b>may</b> dismiss.	<p><b>Fee Required.</b></p> <p>Not to exceed \$10. 504.943(d)(2), TC</p>
<p><b>Attaching or Displaying on a Motor Vehicle a License Plate that is Obscured or Assigned for a Period Other than the Period in Effect Offense</b></p> <p>Compliance Dismissal</p>	Section 504.945(d), TC	<ul style="list-style-type: none"> <li>Defendant must remedy the defect before the defendant's first court appearance.</li> </ul>	Court <b>may</b> dismiss.	<p><b>Fee Required.</b></p> <p>Not to exceed \$10. 504.945(d)(2), TC</p>
<p><b>Expired Driver's License Offense</b></p> <p>Compliance Dismissal</p>	Section 521.026, TC	<ul style="list-style-type: none"> <li>Defendant must remedy the defect not later than 20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.</li> </ul>	Court <b>may</b> dismiss.	<p><b>Fee Optional.</b></p> <p>Not to exceed \$20. 521.026(b), TC</p>
<p><b>Fail to Report Change of Address or Name</b></p> <p>Compliance Dismissal</p>	Section 521.054(d), TC	<ul style="list-style-type: none"> <li>Defendant must remedy the defect not later than 20 working days after the date of the offense.</li> </ul>	Court <b>may</b> dismiss.	<p><b>Fee Required.</b></p> <p>Not to exceed \$20. Court may waive in the interest of justice. 521.054(d), TC</p>
<p><b>Violate Driver's License Restriction or Endorsement Offense</b></p> <p>Compliance Dismissal</p>	Section 521.221(d), TC	<ul style="list-style-type: none"> <li>Driver's license restriction/endorsement was imposed because of a physical condition that was surgically or otherwise medically corrected before the date of the offense, or in error and that is established by the defendant.</li> <li>DPS removes the restriction/endorsement before the defendant's first court appearance.</li> </ul>	Court <b>may</b> dismiss.	<p><b>Fee Required.</b></p> <p>Not to exceed \$10. 521.221(d)(3), TC</p>

<b>Operate Vehicle with Defective Required Equipment (or in Unsafe Condition) Offense</b> Compliance Dismissal	Section 547.004(c), TC	<ul style="list-style-type: none"> <li>Defendant must remedy the defect before the defendant's first court appearance.</li> <li>Does not apply if the offense involves a commercial motor vehicle.</li> </ul>	Court <b>may</b> dismiss.	<b>Fee Required.</b> Not to exceed \$10. 547.004(c)(2), TC
<b>Expired Inspection Offense</b> Compliance Dismissal	Section 548.605, TC	<ul style="list-style-type: none"> <li>Defendant must remedy the defect not later than 20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.</li> </ul>	Court <b>shall</b> dismiss if certificate has not been expired for more than 60 days. Court <b>may</b> dismiss if certificate has been expired for more than 60 days.	<b>Fee Required.</b> Not to exceed \$20. 548.605(b)(2), TC
<b>Unlawfully Parking in a Space Designated for Persons with Disabilities with an Expired Disabled Parking Placard Offense</b> Compliance Dismissal	Section 681.013, TC	<ul style="list-style-type: none"> <li>Defendant must remedy the defect by renewing the expired disabled parking placard not later than 20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.</li> </ul>	Court <b>shall</b> dismiss if placard has not been expired for more than 60 days. Court <b>may</b> dismiss if placard has been expired for more than 60 days.	<b>Fee Required.</b> Not to exceed \$20. 681.013(b)(2), TC
<b>Failure to Have License in Possession While Operating a Motor Vehicle</b> Defense to Prosecution	Section 521.025(d), TC	<ul style="list-style-type: none"> <li>Defendant must produce in court a driver's license issued to that person appropriate for the type of vehicle operated and valid at the time of the offense.</li> </ul>	Prosecutor must make motion to dismiss if defendant raises the defense.	<b>Fee Optional.</b> Not to exceed \$10. 521.025(f), TC

Notwithstanding: *despite; in spite of* [Black's Law Dictionary]

**The following situations provide for a defense or dismissal where no fee is allowed.**

<b>Failure to Have Commercial License in Possession While Operating a Commercial Motor Vehicle</b>	Section 522.011, TC	<ul style="list-style-type: none"> <li>Defendant must produce in court a commercial driver's license issued to that person appropriate for the class of vehicle being driven and valid at the time of the offense.</li> </ul>	Prosecutor must make motion to dismiss if defendant raises the defense or judge could acquit at trial.	No Fee Allowed.
<b>Failure to Secure Child in Child Passenger Safety Seat System</b>	Section 545.4121, TC	<ul style="list-style-type: none"> <li>Defendant must provide the court with satisfactory evidence that defendant possesses an appropriate child passenger safety seat system for each child required to be secured in a child passenger safety seat system.</li> </ul>	Prosecutor must make motion to dismiss if defendant raises the defense or judge could acquit at trial.	No Fee Allowed.

<b>Failure to Display Valid Motor Vehicle Inspection Certificate</b>	Section 548.602, TC	<ul style="list-style-type: none"> <li>Defendant must show that an inspection certificate for the vehicle was in effect at the time of the arrest.</li> </ul>	Prosecutor must make motion to dismiss if defendant raises the defense or judge could acquit at trial.	No Fee Allowed.
<b>Failure to Maintain Financial Responsibility</b>	Section 601.193, TC	<ul style="list-style-type: none"> <li>Defendant provides the court evidence of proof of financial responsibility that was valid at the time of the offense.</li> </ul>	After court verifies the document, court <b>shall</b> dismiss the charge.	No Fee Allowed.

**COMPARISON CHART FOR COMPLIANCE DISMISSALS AND DEFENSES TO PROSECUTION**

	<b>Court MAY dismiss</b>	<b>Court MUST dismiss</b>	<b>Requires MOTION</b>
<b>Fee REQUIRED</b>	<ul style="list-style-type: none"> <li>No registration sticker (\$10)</li> <li>Wrong period on registration sticker (\$10)</li> <li>No valid LP (\$10)</li> <li>Wrong period or impaired readability on LP (\$10)</li> <li>Violating DL restriction/endorsement (\$10)</li> <li>Defective equipment (\$10)</li> <li>Expired inspection &gt; 60 days (\$20)**</li> <li>Expired handicap placard &gt; 60 days (\$20)**</li> </ul>	<ul style="list-style-type: none"> <li>Expired inspection ≤ 60 days (\$20)</li> <li>Expired handicap placard ≤ 60 days (\$20)</li> </ul>	
<b>Fee OPTIONAL</b>	<ul style="list-style-type: none"> <li>Expired registration sticker (\$20)</li> <li>Expired DL (\$20)</li> <li>Didn't change name or address on DL (\$20)*</li> </ul>		<ul style="list-style-type: none"> <li>Don't have DL in possession (\$10)</li> </ul>
<b>NO Fee</b>		<ul style="list-style-type: none"> <li>FMFR</li> </ul>	<ul style="list-style-type: none"> <li>Don't have CDL in possession</li> <li>No inspection sticker displayed</li> </ul>

**Fee amount is the amount it may not exceed**

\*Fee is required; however, statute gives express authority to waive in interest of justice.

\*\*Debatable point

**For details on the requirements to allow for a dismissal, see the detailed chart above.**

**“PROBATION-RELATED” DISMISSALS**  
**Effective September 1, 2011**

Court Process	Defendant Requirements	Fee/Costs	Dismissal
Deferred Disposition – Art. 45.051, C.C.P.	<ul style="list-style-type: none"> <li>Defendant required to comply with requirements imposed during deferral period.</li> <li>Present evidence of compliance.</li> </ul>	<ul style="list-style-type: none"> <li>Court costs required to be collected.*</li> <li>Court may impose special expense fee (not to exceed the amount of fine that could be imposed). Special expense fee may be collected at anytime before the date the probation ends. Court may elect not to collect for good cause shown. Art. 45.051(a), C.C.P.</li> </ul>	Court, on determining that defendant complied with the requirements imposed by the court, shall dismiss complaint and shall clearly note in the docket that complaint is dismissed and there is not a final conviction. Art. 45.051(c), C.C.P.
Driving Safety Course/Motorcycle Operator Training Course – Art. 45.0511, C.C.P.	<ul style="list-style-type: none"> <li>Proof of completion of driving safety course or motorcycle operator training course.</li> <li>Copy of driving record from the DPS if licensed in Texas (defendant who is active military will probably not have a Texas driving record).</li> <li>Affidavit stating that defendant was not taking a driving safety course or motorcycle operator training course, as applicable, on the date the request to take the course was made and had not completed a course that is not shown on the defendant’s driving record within the 12 months preceding the date of the offense.</li> <li>Texas driver’s license or permit (unless defendant is active military or is active military spouse or dependent child).</li> <li>Proof of financial responsibility.</li> </ul>	<ul style="list-style-type: none"> <li>Court costs required to be collected.*</li> <li>Court may impose administrative fee up to \$10 under mandatory provision – Art. 45.0511(f)(1), C.C.P.</li> <li>Court may impose administrative fee up to the maximum amount of fine for that offense under the discretionary provisions – Art. 45.0511(f)(2), C.C.P.</li> </ul>	<p>Upon presentation of evidence of completion of course, copy of driving record showing defendant was eligible, and affidavit, court shall remove judgment (earlier judgment on defendant’s plea, on which court deferred imposition for 90 days) and dismiss charge. Art. 45.0511(l), C.C.P.</p> <p>Court may dismiss only one charge for each completion of a course. Art. 45.0511(m), C.C.P.</p>
Teen Court – Art. 45.052, C.C.P.	<ul style="list-style-type: none"> <li>Complete teen court program.</li> <li>Show court evidence of completion of teen court program.</li> </ul>	<ul style="list-style-type: none"> <li>Court costs required to be collected.*</li> <li>Court may impose fee up to \$10 for administering teen court. Art. 45.052(e), C.C.P.</li> <li>Court may also impose \$10 fee for teen court performing its duties, paid to teen court program. Teen court program must account to court for disbursement of fee. Art. 45.052(g), C.C.P.</li> <li>Court may waive fees and court costs imposed by another statute. Art. 45.052(h), C.C.P.</li> <li>Courts in TX/LA border region may charge \$20 fee in place of the \$10 fee.</li> </ul>	Upon presentation of evidence that defendant completed teen court program, court shall dismiss charge. Article 45.052(c), C.C.P.
Compliance with School Attendance – related order. Art. 45.054(i), C.C.P	<ul style="list-style-type: none"> <li>Defendant successfully complies with conditions imposed by court under Article 45.054, C.C.P.</li> <li>Defendant presents proof of obtaining high school diploma or equivalency certificate.</li> </ul>	Court costs required to be collected.* However, court may waive or reduce a fee or cost if it causes financial hardship. Art. 45.054(i), C.C.P.	Upon compliance or presentation, court shall dismiss complaint alleging Failure to Attend School (Sec. 25.094, E.C.)
Commitment of Chemically Dependent Person – Art. 45.053, C.C.P.	<ul style="list-style-type: none"> <li>Court finds offense resulted from or was related to defendant’s chemical dependency.</li> <li>Application for court-ordered treatment of defendant filed in accordance with Ch. 462, H.S.C.</li> </ul>	Court costs required to be collected.*	Upon presentation of satisfactory evidence that defendant was committed for and completed court-ordered treatment, court shall dismiss charge and shall clearly note in the docket that complaint is dismissed and there is not a final conviction. Art. 45.053(b).
Attendance at a Tobacco Awareness Program – Sec. 161.253, H.S.C.	<ul style="list-style-type: none"> <li>Defendant required to complete tobacco awareness program or tobacco related community service not later than 90<sup>th</sup> day after conviction. (Court required to suspend execution of sentence for 90 days—Sec. 161.253(a), H.S.C.)</li> <li>Defendant not previously convicted of offense under Sec. 161.252.</li> </ul>	Court costs required to be collected.*	Upon presentation of evidence of completion of tobacco awareness program or community service, court shall dismiss charge. Sec. 161.252(f)(2), H.S.C.

\* Section 133.101, L.G.C.: For the purposes of determining criminal court costs and fees, a defendant is considered to be convicted in a case if:

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



**COMPLIANCE DISMISSALS**  
**Effective January 1, 2012**

<b>Offense</b>	<b>Statute</b>	<b>Length of Time to Comply</b>	<b>Other Required Conditions</b>	<b>Amount of Fee</b>
Expired Motor Vehicle Registration	Section 502.407(b), Transportation Code	20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.	Court may dismiss. Defendant must show proof of payment of late registration fee to county assessor-collector.	Not to exceed \$20. Fee Optional.
Operate Motor Vehicle Without Valid Registration Insignia Properly Displayed	Section 502.473(a) & (d), Transportation Code	Statute does not specify.	Court may dismiss. Defendant must show that motor vehicle was issued a registration insignia that was attached to the motor vehicle establishing that the vehicle was registered for the period during which the offense was committed.	Not to exceed \$10. Fee Required.
Attaching or Displaying on a Motor Vehicle a Registration Insignia that is Assigned for a Period other than the Period in Effect	Section 502.475(a)(3) & (c), Transportation Code	Before defendant's first court appearance.	Court may dismiss. None.	Not to exceed \$10. Fee Required.
Operate Motor Vehicle Without Two Valid License Plates	Section 504.943(a) & (d), Transportation Code	Before the defendant's first court appearance.	Court may dismiss. None.	Not to exceed \$10. Fee Required.
Attaching or Displaying on a Motor Vehicle a License Plate that is Obscured or Assigned for a Period Other than the Period in Effect	Section 504.945(a)(3), (5), (6), (7) & (d), Transportation Code	Before the defendant's first court appearance.	Court may dismiss. None.	Not to exceed \$10. Fee Required.
Expired Driver's License	Section 521.026(a), Transportation Code	20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.	Court may dismiss. None.	Not to exceed \$20. Fee Optional.
Fail to Report Change of Address or Name	Section 521.054(d), Transportation Code	20 working days after the date of the offense.	Court may dismiss. None.	Not to exceed \$20. Fee Required. Court may waive in the interest of justice.
Violate Driver's License Restriction or Endorsement	Section 521.221(d), Transportation Code	Before the defendant's first court appearance.	Court may dismiss. Driver's license endorsement was imposed because of a physical condition that was surgically or otherwise medically corrected before the date of the offense, or in error and that is established by the defendant; and  DPS removes the restriction or endorsement before the defendant's first court appearance.	Not to exceed \$10. Fee Required.
Operate Vehicle with Defective Required Equipment (or in Unsafe Condition)	Section 547.004(c), Transportation Code	Before the defendant's first court appearance.	Court may dismiss. Does not apply if the offense involves a commercial motor vehicle.	Not to exceed \$10. Fee Required.
Expired Inspection	Section 548.605(b)&(c), Transportation Code	20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.	Court shall dismiss if expired not more than 60 days. Court may dismiss if expired more than 60 days.	Not to exceed \$20. Fee Required.
Expired Disabled Parking Placard (less than 60 days)	Section 681.013(b)&(c), Transportation Code	20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.	Court shall dismiss if expired not more than 60 days. Court may dismiss if expired more than 60 days.	Not to exceed \$20. Fee Required.

Prepared by the Texas Municipal Courts Education Center. Funded by a grant from the Texas Court of Criminal Appeals.



## COMMON DEFENSES TO PROSECUTION

Offense	Defense	Fee
Failure to Have License in Possession While Operating a Motor Vehicle (Failure to Display Driver's License) – Section 521.025, T.C.	Defendant must produce in court a driver's license issued to that person appropriate for the type of vehicle operated and valid at the time of the offense. Section 521.025(d), T.C.	Optional fee not to exceed \$10.
Failure to Have Commercial License in Possession While Operating a Commercial Motor Vehicle – Section 522.011, T.C.	Defendant must produce in court a commercial driver's license issued to that person appropriate for the class of vehicle being driven and valid at the time of the offense.	None.
Failure to Secure Child in Child Passenger Safety Seat System – Section 545.412, T.C.	Defendant must provide the court with satisfactory evidence that defendant possesses an appropriate child passenger safety seat system for each child required to be secured in a child passenger safety seat system. Section 545.4121, T.C.	None.
Use of Wireless Communication Device in a School Crossing Zone – Section 545.425, T.C.	Affirmative defense if required sign was not posted at the entrance to the school crossing zone at the time offense was committed, unless city has ordinance banning cell phone use throughout the municipality and has the appropriate signs posted.	None.
Failure to Display Valid Motor Vehicle Inspection Certificate – Section 548.602, T.C.	Defendant must show that an inspection certificate for the vehicle was in effect at the time of the offense.	None.
Failure to Maintain Financial Responsibility – Section 601.191, T.C.	Two defenses available: <ul style="list-style-type: none"> <li>• Defendant must provide the court satisfactory evidence of valid proof of financial responsibility under Section 601.053(a), T.C., that was valid and in effect at the time of the offense. Section 601.193, T.C.</li> <li style="text-align: center;">OR</li> <li>• Defendant possessed the vehicle for the sole purpose or maintenance or repair and did not own the vehicle. Section 601.194, T.C.</li> </ul>	None.



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# COURT COSTS

For Conviction of Offenses Committed on or after September 28, 2011



OFFENSE/DESCRIPTION	State CF	Local TFC	Local CS	State STF	State SJRF	State IDF	State JSF*3	Total*2
<b>MUNICIPAL ORDINANCES</b>								
■ Parking (authorized by Sections 542.202-542.203, Transportation Code)	N/A	N/A	*1	N/A	N/A	N/A	N/A	*1
■ Pedestrian	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
■ Other Municipal Ordinances	40.00	N/A	N/A	N/A	4.00	2.00	6.00	52.00
<b>STATE LAW</b>								
■ Transportation Code, Subtitle C, Rules of the Road								
• Parking & Pedestrian (in school crossing zone)	N/A	3.00	25.00	30.00	N/A	N/A	N/A	58.00
• Parking & Pedestrian (outside school crossing zone)	N/A	3.00	N/A	30.00	N/A	N/A	N/A	33.00
• Overtaking & Passing a School Bus, Section 545.066	40.00	3.00	25.00	30.00	4.00	2.00	6.00	110.10*2
• Other (in school crossing zone)	40.00	3.00	25.00	30.00	4.00	2.00	6.00	110.00*2
• Other (outside school crossing zone)	40.00	3.00	N/A	30.00	4.00	2.00	6.00	85.00*2
■ Transportation Code, Section 601.192, Failure to Maintain Financial Responsibility	40.00	N/A	N/A	N/A	4.00	2.00	6.00	52.00
■ Parking and Pedestrian (Outside Subtitle C)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
■ Education Code								
• Parent Contributing to Nonattendance, Section 25.093	40.00	N/A	20.00	N/A	4.00	2.00	6.00	72.00
• Failure to Attend School, Section 25.094	40.00	N/A	20.00	N/A	4.00	2.00	6.00	72.00
■ All other fine only misdemeanors not mentioned above.	40.00	N/A	N/A	N/A	4.00	2.00	6.00	52.00*2

**Add applicable fees and other costs whenever they apply. See next page of chart for additional costs and fees.**

For the purpose of assessing, imposing, and collecting *most* court costs and fees, a person is considered to have been convicted if - pursuant to Section 133.101, L.G.C., or other specific statutes authorizing court costs - a judgment, a sentence or both a judgment and a sentence are imposed on the person; or the person receives DSC or some form of deferred disposition (see Articles 45.051-45.053, C.C.P.). This expanded definition of "conviction" does not appear in the statute establishing the Juror Reimbursement Fee.

\*1 ■ \$2-5 court cost for cities with population greater than 850,000 that have adopted appropriate ordinance, regulation, or order (mandatory).

■ Up to \$5 court cost for cities with population less than 850,000 that have adopted appropriate ordinance, regulation, or order (optional).

\*2 ■ **MVF: Add 10 cent court cost on all moving violations.** Article 102.022, Code of Criminal Procedure. **Moving violations are found in 37 TAC § 15.89(b).** Note that some moving violations are in codes other than the Transportation Code. Note: overtaking and passing a school bus is a moving violation; therefore, the 10 cents has already been calculated into the total.

\*3 ■ **Judicial Support Fee:** Sixty cents of this fee stays with the city to promote efficient operation of the municipal court. See Sec. 133.105(6) L.G.C.

**FEES (Add the following fees whenever they apply):**

- **Administrative Fee:** A court may assess up to a \$10 fee when a defendant elects to take a driving safety course (DSC) on or before the answer date on the citation (Art. 45.0511(f)(1), C.C.P.). When the court elects to obtain the defendant's driving record, rather than have defendant obtain it, the court may require defendant to pay \$10 plus the amount of the state

electronic Internet portal fee for the certified Texas DL record from DPS. The court may order an administrative fee to be paid when the court grants DSC under Article 45.0511(d), C.C.P. – court’s discretionary authority. The fee may not exceed the maximum amount of the possible fine for the particular offense charged (Art. 45.0511(f)(2), C.C.P.).

■ **Applicable fees for services of peace officers under Article 102.011, C.C.P.:**

- **Arrest Fee:** \$5 for issuing a written notice to appear in court following the defendant’s violation of a traffic law, municipal ordinance, penal law, or for making an arrest without a warrant. When service is performed by a peace officer employed by the State, 20% (\$1) is sent to the State.
- **Warrant Fee:** \$50 for executing or processing an issued arrest warrant, capias, or capias pro fine. When service is performed by a peace officer employed by the State, 20% (\$10) is sent to the State.
- **Summoning a Witness:** \$5 for serving a subpoena.
- **Summoning a Jury:** \$5 for summoning a jury.
- **Service of any other writ** (includes summons for a defendant or a child’s parents): \$35.
- **Other costs:** Costs for peace officer’s time testifying while off duty.

■ **Fees Created by City Ordinance:**

- **Juvenile Case Manager Fee:** Up to \$5 fee for every fine-only misdemeanor offense if governing body has passed required ordinance establishing a juvenile case manager fund and has hired a juvenile case manager. (Art. 102.0174, C.C.P.).
- **Municipal Court Building Security Fee:** \$3 on every conviction if governing body has passed required ordinance establishing building security fund (Art. 102.017, C.C.P.).
- **Municipal Court Technology Fee:** Up to \$4 on every conviction if governing body has passed required ordinance establishing the municipal court technology fund (Art. 102.0172, C.C.P.).

■ **Jury Fee:** \$3 fee collected upon conviction when case tried before a jury. \$3 fee collected upon conviction if defendant had requested a jury trial and then withdrew the request not earlier than 24 hours before the time of trial; fee to be paid even if case is deferred (Art. 102.004, C.C.P.).

■ **Restitution Fee:** \$12 optional fee for defendants paying restitution in installments (Art. 42.037, C.C.P.).

■ **Special Expense Fees:** 1) Under Article 45.051, C.C.P., the court may assess a special expense fee not to exceed the amount of fine that could be imposed. (Art. 45.051(c), C.C.P.); 2) An amount not to exceed \$25 that may be collected for execution of a warrant for *failure to appear* or *violate promise to appear*. City ordinance required to authorize collection (Art. 45.203, C.C.P.).

■ **Time Payment Fee:** The court shall collect a fee of \$25 from a person who has been convicted and pays any part of the fine, court costs, or restitution on or after the 31<sup>st</sup> day after the date on which the judgment is entered. One-half (\$12.50) is sent to the State. One-tenth (\$2.50) is retained locally for judicial efficiency. Four-tenths (\$10) are retained locally with no restrictions (Sec. 133.103, L.G.C.).

■ **Traffic Law Failure to Appear (FTA) (Omni Base):** \$30 for failure to appear or failure to pay or satisfy a judgment for violation of any fine-only offense **if city has contracted with the Department of Public Safety** to deny renewal of driver’s licenses. (Two-thirds (\$20) are sent to the State. One-third (\$10) is retained locally.) Applies to any violation that municipal court has jurisdiction of under Article 4.14, C.C.P. See Chapter 706, T.C.

■ **Traffic Law Failure to Appear (Scofflaw):** \$20 optional fee for failure to appear or satisfy a judgment for violation of a traffic law if the city has contracted with the county assessor-collector pursuant to Chapter 702 of the Transportation Code to deny the registration of vehicles. The optional fee goes to the county or TxDMV to reimburse expenses of the program. See Sec. 702.003 (e-1), T.C. This fee takes effect January 1, 2012.

**Safety Belts & Child Safety Seat Systems:** City must remit to the State 50 percent of the fines collected for failing to secure a child in a child passenger safety system or to secure a child in a safety belt (Secs. 545.412 & 545.413(b), T.C.). Remittitur must be done at the end of the city’s fiscal year.

**Excess Fines:** Cities with population less than 5,000 must remit all but one dollar of fines and special expenses under Article 45.051, C.C.P., for Title 7, T.C., offenses when the fines and special expenses for such offenses reach 30 percent of the city’s budget less any federal money (Section 542.402(b), T.C.).

Name of Cost/Fee	Legal Reference	Abbreviation
Consolidated Fee	Local Government Code, Section 133.102	CF
Traffic Fund	Transportation Code, Section 542.403	TFC
Child Safety Fund	Code of Criminal Procedure, Article 102.014	CS
State Traffic Fee	Transportation Code, Section 542.4031	STF
State Juror Reimbursement Fee	Code of Criminal Procedure, Article 102.0045	SJRF
Indigent Defense Fee	Local Government Code, Section 133.107	IDF
Judicial Support Fee	Local Government Code, Section 133.105	JSF
Moving Violation Fee	Code of Criminal Procedure, Article 102.022	MVF