


WARRANTS



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The Clerks Role




- Prepare Documents
- Check For Accuracy
- Process Warrants for Signature

Warrant Quiz

How many Class C Warrants were issued in Municipal Courts in 2008?

- a. 500,000
- b. 1.5 Million
- c. 2.6 Million



**Warrant of Arrest
When Defendant Fails to Appear**

New Law

Sworn Complaint (S.B.413)

- **Mandatory Filing of Complaints upon Non-Appearance.**

Effective September 1, 2009

Clerk's Role: Arrest Warrant

✓Verify Sworn Complaint

- **Complaint Must Be Written**
(Article 45.019(a)(1), C.C.P.)

- **Complaint Must be Sworn to and Signed**
(Article 45.019, C.C.P)

Clerk's Role: Arrest Warrant

✓Verify Probable Cause Affidavit



- **Sworn statement that presents evidence necessary to cause a person to believe someone has committed a crime.**
- **A complaint by itself is not probable cause unless it contains additional information regarding probable cause.**

Clerk's Role: Arrest Warrant

- ✓ Prepare Warrant for Judge's Signature
 - Include Sworn Complaint and PC Affidavit
- ✓ Coordinate Service of Warrant with Police Department/Warrant Officer/Marshal

Clerk's Role : Arrest Warrant

- ✓ Enter Defendant into FTA Omni Base system for DPS
- ✓ Report to third party Collection Agency after 60 days, if contracted

 **Capias Pro Fine** 
Article 45.045,C.C.P

Issued when defendant fails to satisfy judgment.

When would a Capias Pro Fine be issued?

Clerk's Role : Capias Pro Fine

- ✓ Clerk reviews case file to ensure:
 - Signed Judgment is attached
 - Receipts, deposits, etc. are correct
 - Court Records are accurate
- ✓ Clerk prepares sworn affidavit that indicates the clerk has researched the case file and court records show the defendant is in default.
(recommended - not required)

Clerk's Role: Capias Pro Fine

- ✓ Prepare Capias Pro Fine for Signature
 - Include Judgment and Sworn Affidavit (If court policy)
- ✓ Coordinate Service of Warrant with Police Department/Warrant Officer/Marshal

Clerk's Role: Capias Pro Fine

- ✓ Enter Defendant into FTA Omni Base system for DPS
- ✓ Report to third party Collection Agency after 60 days, if contracted

Let's Talk about OMNI

• **Sec. 706.006, T.C. - Payment of Administrative Fee**

A person who fails to appear for a complaint or citation for an offense described by Sec 706.002(a) shall be required to pay an administrative fee of \$30 for each complaint or citation reported to the department under this chapter, unless the person is acquitted of the charges for which the person failed to appear.

OMNI Fees

- Is a defendant required to pay OMNI fees if the judge dismisses the underlying offense? _____
- A defendant is granted time served. Is defendant required to pay OMNI fees? _____
- If the judge declares the defendant indigent, is defendant required to pay OMNI fees? _____

Let's say....

- Johnny is cited for No Insurance and fails to appear in court. An FTA is issued and the case ends up in Warrants. The two cases are reported to OMNI.

When Johnny appears in court, the Judge dismisses the No Insurance with proof and Johnny pleads guilty to the FTA.

What OMNI fees are due? _____

What if.....

- Johnny is cited for Speeding and fails to appear in court. A VPTA is issued and the case ends up in Warrants. The two cases are reported to OMNI.

Johnny enters a Not Guilty plea and requests a Jury Trial. At trial - the jury finds Johnny Not Guilty of the Speeding charge.

What OMNI fees are due? _____

Collection Agency Fees

- Art. 103.0031, C.C.P. - Collection Contracts

(b) ..the collection fee does not apply to a case that has been dismissed by a court of competent jurisdiction or to any amount that has been satisfied through time served or community service.

Collection Fees

- Is a defendant required to pay Collection fees if the judge dismisses the underlying offense? _____
- A defendant is committed to jail, are collection fees included in the warrant amount? _____
- If the judge declares the defendant indigent, is defendant required to pay Collection fees? _____

Resources

- **TMCEC - Forms**
- **TCCA - Procedures & Reference Guide**
- **Other Municipal Courts**
