

SUMMARY OF COURT COSTS

PRESENTED BY

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REGIONAL PROGRAM 2009-2010

I. General Authority

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 general authority to adopt fees or court costs, unless expressly authorized to do so by statute. Art. 45.203(d), C.C.P. 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 requires 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 (to the unclaimed property division of the Comptroller's Office).

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.

For more information about the assessment and collection of court costs and fees, call the Local Government Assistance Division of the State Comptroller's Office toll free at 800.531.5441, extension 34679; or directly at 512.463.4679. For information on reporting, contact the Revenue Accounting Division toll free at 800.531.5441, extension 34276; or directly at 512.463.4276.

A. General Information

1. Definition of Conviction

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

- 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. (Note: effective January 1, 2010-the Child Passenger Safety Seat court cost must be reported monthly) 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. Sec. 133.055(b), L.G.C.

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. Sec. 133.0569(b), L.G.C.

3. Accrued Interest and Handling Fee

Cities may maintain court costs and fees in an interest bearing account. If reported timely, the city may keep the interest as well as any applicable handling fee. The handling fee is 10% of the Consolidated Fee, State Judicial Supplement Fee, and State Jury Reimbursement Fee; and 5% of the State Traffic Fine.

Under Section 133.058, L.G.C., the city may retain 10% of any collected fee reported timely. This is a general statute that would govern any fee which does not explicitly provide for a handling fee.

If a city fails to report timely, the city must remit 100% of the court costs collected, including handling fees and interest. Sec. 133.055, L.G.C.

4. Record Keeping

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

5. Remitting Electronically

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. 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. Sec. 404.095, G.C., and Sec. 3.9, Part I, of Title 34, T.A.C. Although a non-qualifying city may not be required to remit electronically, it may voluntarily remit in this manner, but the reporting must still be done manually.

6. Allocation and Proration

When judges allow defendants to pay fines and court costs through an installment plan, clerks must ensure proper reporting and remittance of 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). This opinion was reaffirmed in February 2004, in Opinion No. GA-0147, holding that money collected by a court must be allocated to all court costs before the fine.

When a court collects all costs owed during one quarter even though they were paid through 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 must forfeit its 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 \$90.00, but only pays \$45.00.

$$\frac{\$45.00}{\$90.00} = 50\% \text{ to each cost/fee}$$

50%	x	40.00	CF	=	20.00
50%	x	30.00	STF	=	15.00
50%	x	6.00	SJRF	=	3.00
50%	x	4.00	SJSF	=	2.00
50%	x	2.00	IDF	=	1.00
56%	x	5.00	AF	=	2.50
56%	x	3.00	TFC	=	1.50
50%	x	90.00		=	45.00

In the example, the arrest fee and the local traffic fund fee, which stay with the city, are included in the proration. If the court assesses other local fees such as the \$3 building security fee or the \$50 warrant fee, the proration should also include those fees.

7. Community Service Credit

A judge may require a defendant to discharge fines 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 no less than \$50 toward the fine for every eight hours of community service performed. The judge may grant more than \$50 for every eight hours of community service performed, but may not grant less than the \$50. Art. 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. Tex. Atty. Gen. Op. M-1076 (1972).

8. Jail-Time Credit

A judge must credit a defendant for time served in jail from the time of arrest to conviction and for time served after conviction. Art. 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 offense 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 8 hours or more than 24 hours. Arts. 45.041 and 45.048, C.C.P.

As custodians of the records, court clerks are responsible for properly recording jail-time credit. Jail-time credit may either discharge the total fine and costs owed, or just satisfy a portion 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, any actual money collected must be credited first to court costs. Tex. Atty. Gen. Op. 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. Art. 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 10th 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 applicable. If the credit satisfies all of the fine and costs, the court must refund the bond to the defendant. If the jail credit does not completely satisfy the fine and costs, any money retained by the court from the bond would be allocated to the court costs first.

10. Bond Forfeiture

Although non-Chapter 45 bond forfeitures are considered criminal, the Rules of Civil Procedure apply. The bond forfeiture lawsuit is initiated by a declaration of the forfeiture and entry of a judgment nisi. Ch. 22, C.C.P. The court is required to issue a capias for the defendant. Art. 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. 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 study guide *Bond Forfeitures*.

11. Court Costs for Deferred Disposition

When deferred disposition is granted by the judge, the judge may immediately collect court costs. Art. 45.051(a), C.C.P. As an alternative, the judge may allow a defendant to enter into an agreement for payment of court costs in installments during the defendant's period of probation, require the defendant to discharge the payment of the court costs by performing community service, or require both payment of the court costs in installments and performance of community service. Art. 45.051(a-1), C.C.P.

If the defendant complies, the court must dismiss the case. If the court ordered a special expense fee, 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. Court Costs for Driving Safety Course

Court costs must be collected when the court grants the request to take a driving safety course under Article 45.0511, C.C.P. The court may also collect a non-refundable \$10 administrative fee. Art. 45.0511(f), C.C.P. If a driving safety course is granted under Subsection (d) of Article 45.0511 (the discretionary provision), 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 that could have been imposed.

13. Court Costs on Appeals

When a defendant files an appeal bond, all further proceedings in a case cease. Art. 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 (or the fine). 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. Art. 44.0281, C.C.P.

If a city has contracted with DPS and a defendant has been submitted under the Failure to Appear Program, upon appeal, if the defendant wants to renew his or her driver's license, the defendant must pay the \$30 fee to the municipal court. This is the only exception to paying court costs on appeal. Sec. 706.005(a)(1), T.C.

14. Waiver of Fine and Costs

Judges may waive court costs in two instances:

- when teen court is granted; and
- when the court determines that a defendant has defaulted in payment of a fine and/or costs and that the defendant is indigent and performing community service under Article 45.049, C.C.P., would be an undue hardship. Arts. 45.052 and 45.0491, C.C.P.

If a judge waives court costs, the court should document its findings in the order of 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.

15. Legislative Changes

Court costs funds are subject to change each legislative session. Changes apply to offenses that occur on or after the date that the changes go into effect. According to Section 51.607, G.C., notwithstanding the effective date of a legislative act, an effective date for new legislation involving court costs and fees may not go into effect between September 1st and December 31st of the year immediately following session, unless the new legislation plainly dispenses of this rule. That is why most court costs and fees do not affect courts until January 1st of the year following the legislative session. Therefore, courts have to keep court costs charts from prior years in order to know the correct amount to collect for past offenses.

To help the courts determine if the correct amount is being collected for each year, see the Appendix for court costs charts from 2005 to present.

II. Current Court Costs as of January 1, 2010

A. Consolidated Fee

The consolidated fee of \$40 is collected upon conviction for fine-only misdemeanor offenses other than pedestrian or parking offenses. Sec. 133.102, L.G.C. If reported timely, the court can keep a 10% handling fee.

This fee consolidates the following individual court costs:

- 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

B. State Traffic Fine

The State Traffic Fine is a \$30 court cost collected upon conviction of Subtitle C, Rules of the Road, Transportation Code offenses. This includes parking and pedestrian offenses. The city keeps a 5% handling fee if it is reported and remitted timely to the State Comptroller. Sec. 542.4031, T.C.

C. State Juror Reimbursement Fee

The \$4 State Juror Reimbursement Fee went into effect September 1, 2005. It is collected upon conviction of all fine-only offenses except pedestrian and parking offenses. The city keeps a 10% (40 cent) handling fee if reported and remitted timely. Art. 102.0045, C.C.P.

D. State Judicial Support Fee

The State Judicial Support Fee went into effect December 1, 2005. It is collected upon conviction of all fine-only offenses except pedestrian and parking offenses. The 80th Legislative Session increased the amount of this fee from \$4 to \$6, effective January 1, 2008. The city keeps a 10% handling fee if reported and remitted timely. Sec. 133.105, L.G.C.

The city treasurer must deposit the 10% (60 cent) handling 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.

E. Support for Indigent Defense Representation Fee

The court is required to collect a \$2 fee to be used to fund indigent defense representation through the fair defense account established under Section 71.058 of the Government Code. The

fee is collected on all fine-only offenses except parking and pedestrian offenses starting January 1, 2008. The city keeps a 10% (20 cent) handling fee. Sec. 133.107, L.G.C.

F. State Moving Violation Fee

On January 1, 2010, a new court cost of 10 cents (.10) will be imposed on all moving violation convictions. Ninety percent (or 9 cents) of each fee will be sent to the state to be deposited in the Civil Justice Data Repository Fund. Ten percent is retained by the city. This new court cost is found in Article 102.121, G.C., and 102.022, C.C.P.

G. Child Safety Seat Court Cost

On January 1, 2010, a new 15 cent (.15) court cost is imposed on convictions for child safety seats violations under Section 545.412, T.C. One hundred percent of this fee goes to the State for distribution to TxDOT to fund the purchase of child passenger safety seats for low-income families. The new court cost is found in Section 102.122, G.C.

III. 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 require the assessment of a two to five dollar fee for the Child Safety Fund upon conviction. 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 upon conviction if the governing body orders the collection of the fund. Art. 102.014, C.C.P.

b. School-Crossing Zone

Article 102.014(c), C.C.P., provides that the court must assess a \$25 fee for the Child Safety Fund for any offense under Subtitle C of the Transportation Code, committed in a school-crossing zone. Chs. 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 the offense of passing a school bus. Sec. 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 (Sec. 25.093, E.C.); and
- failure to attend school. Sec. 25.094, E.C.

e. How Fund is Administered

Administration of the Child Safety Fund depends on the size of the city. If a city has a population greater than 850,000, it must deposit the money in the Municipal Child Safety Fund established in the treasury, for the purpose of providing school crossing guard services. Ch. 106, L.G.C. 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 public, parochial, private, elementary, and secondary schools. The city must also consider the recommendations of schools and traffic safety experts when determining the need for school crossing guards. Ch. 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, but this may not exceed 10% of the fund. After paying 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. Art. 102.014(f), C.C.P.

Prior to September 1, 2009, if a city had a population of less than 850,000, the money collected for the Child Safety Fund had to be used for any existing school crossing guard program. If the city did not operate such a program or if the money exceeded the amount necessary to fund it, the city could 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. In the 81st Legislative Session, the Legislature expanded the use of these funds to allow the city to expend the additional money on programs designed to “enhance public safety and security.” Art. 102.014, C.C.P.

f. Optional County Fee for Child Safety

Section 502.173, T.C., provides authority for the commissioners’ court of a county with a population greater than 1.3 million and in which a municipality with a population of more than one million is primarily located to impose an additional fee of not less than 50 cents or more than \$1.50 for registering a vehicle in the county. The commissioners’ 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% of the fees collected 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 municipalities in the county according to their population.

2. Local Traffic Fund

Section 542.403, T.C., says that a person shall pay a \$3 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 also be careful not to assess the three-dollar cost on traffic offenses outside of Subtitle C, of Title 7, T.C. including failure to maintain financial responsibility, driver’s license offenses, registration offenses, and commercial driver’s license offenses.

3. Arrest Fee

Courts must collect a \$5 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. Art. 102.011(a), C.C.P.

If a charge is initiated by a formal charging instrument (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, 20% (\$1) 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

The Warrant Fee is 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, capias, or capias pro fine is processed or executed by a peace officer.

A warrant, capias, or capias pro fine 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 peace officer might conduct 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 that processed the warrant, capias, or capias pro fine 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 is paid into the issuing city’s treasury. If a peace officer employed by the city where the warrant, capias, or capias pro fine 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, 20% (\$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, no fee may be assessed or collected.

Likewise, if a warrant, *capias*, or *capias pro fine* 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 (Sec. 38.10, P.C.) and violate promise to appear (Sec. 543.009, T.C.).

This 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 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 for overtime. Cities should visit with their city attorney regarding the payment of any fees to peace officers.

5. Fees Assessed upon Dismissal of Cases

a. *For Driving Safety Course*

In addition to the \$10 administrative fee discussed in Part 4, Section (A)(12), 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 effective January 1, 2006. Beginning January 1, 2008, courts may charge a \$12 fee for using TexasOnline to seek this record. If the court collects the fee, the court must send the money to the State Comptroller quarterly.

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. Art. 45.052, C.C.P.

The court may assess another \$10 fee to cover the cost of administering the teen court. This fee is paid to the teen court program, but the program must account to the court for the receipt and disbursal of the fee.

If the court is located in a county on the Texas-Louisiana border, it may assess two \$20 fees instead of the \$10 fees. The \$20 fees apply to the counties of Bowie, Camp, Cass, Delta, Franklin, Gregg, Harrison, Hopkins, Lamar, Marion, Morris, Panola, Red River, Rusk, Smith, Titus, Upshur, and Wood. Sec. 2056.002, G.C.

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 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 deposit the fees in the general revenue account.

Some courts mistakenly assess fees when dismissing the charge of failure to maintain financial responsibility. Although the court is required to dismiss the charge if the defendant had valid insurance or other proof of financial responsibility at the time of the arrest, there is no authority to assess a fee when dismissing the charge. For a list of these compliance dismissals or “probation-related” dismissals, see the TMCEC *Dismissal* Chart.

6. Fee for Dismissing Failure to Present Driver’s License

It is a defense to the prosecution of the offense of failure to present a driver’s license for the person to produce in court a driver’s license that is issued to the person appropriate for the type of vehicle operated and valid at the time of the arrest for the offense. This requires a prosecutor’s motion before the judge may dismiss the charge. The judge may assess a fee not to exceed \$10 effective if the offense occurred January 1, 2008 or after. Sec. 521.025(f), T.C.

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 on a defendant, upon conviction, the court must collect \$35 for the officer’s services. Art. 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, or by mailing it to the defendant’s last known address. Arts. 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 \$5 for the services of the peace officer. Art. 102.011(a)(3), C.C.P.

c. Jury Fees

When a peace officer summons a jury and the defendant is convicted, the defendant must pay \$5 for the services of a peace officer. Art. 102.011(a)(7), C.C.P. Municipal courts must assess a jury fee of \$3 upon conviction by a jury, and this may apply even to a defendant who withdraws a request for a jury trial not earlier than 24 hours before the time of the trial. Art. 102.004, 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. Art. 102.011(a)(4), C.C.P.

e. 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 traveling to or from trial. Art. 102.011(i), C.C.P. Since the costs are for time spent testifying in the case, no overtime 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 the judge may assess this cost. The court should have an affidavit for the officer to sign after testifying so that the court has documentation of the officer's time and the cost to assess.

f. 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 trial to pay the costs incurred for impaneling the jury. Art. 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 (time spent preparing jury summons, handling requests for exemptions before trial, and managing the jury on the day of trial).

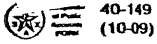
9. Expunction Fees

A defendant who petitions the municipal court for an expunction must pay a \$30 fee 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 expunction.

10. Travel Costs to Convey Prisoner or Execute Process

Article 102.011(b), C.C.P., requires defendants convicted of a misdemeanor or felony 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, summon or attach a witness, or execute process not otherwise described by Article 102.011, C.C.P.

40-149
(10-09)

CHILD SAFETY SEAT MONTHLY COURT COSTS PAYMENT

City / County name	Identification number
Contact name	Phone (Area code and number)

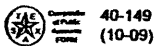
Month	Year
-------	------

Amount of payment \$

Complete this form and make the amount payable to: STATE COMPTROLLER
Mail to: COMPTROLLER OF PUBLIC ACCOUNTS P.O. Box 149361 Austin, TX 78714-9361

For assistance, call (800) 531-5441, ext. 3-4276, or (512) 463-4276.

DETACH AND RETURN THE BOTTOM PORTION ONLY.
KEEP THE TOP PORTION FOR YOUR RECORDS.

40-149
(10-09)

CHILD SAFETY SEAT MONTHLY COURT COSTS PAYMENT

City / County name			Amount of payment \$											
Taxpayer number	Month	Year	Contact	Phone (Area code and number)										

■ Tcode ■ Dep ■ Taxpayer no. ■ Amt.

90100 710

INSTRUCTIONS FOR COMPLETING STATE CRIMINAL COSTS AND FEES REPORT

**THIS REPORT MUST BE FILED BY THE DUE DATE EVEN IF NO PAYMENT IS DUE.
AN AMOUNT OR A ZERO (0) MUST BE ENTERED ON ALL LINES FOR COLUMNS 1 AND 3.**

Column 2 - A service fee may be taken **only** when the payment is postmarked by the due date. A ten (10) percent service fee applies to items 1-8. A five (5) percent service fee applies to item 9 - State Traffic Fine.

Section I (Items 1-6) - Report in a "lump sum" amount the total court costs collected, based on the date of the offense. Collections will be distributed to the various court costs in effect during each of these periods, based on historical data for that specific time period. *Note: Peace Officer Fees, FTA and Time Payment Fees should be reported where indicated.*

- Item 7 - Jury Reimbursement Fee (JRF) -** A \$4 court cost assessed on convictions of all offenses except pedestrian or parking of a motor vehicle. (Code of Criminal Procedure 102.0045, effective Sept. 1, 2005.)
- Item 8 - Indigent Defense Fund (IDF) -** A \$2 court cost assessed on convictions of all offenses except pedestrian or parking of a motor vehicle. (Local Government Code, Section 133.107, effective Jan. 1, 2008.)
- Item 9 - State Traffic Fine (STF) -** A \$30 court cost shall be assessed on the conviction of any offense under Transportation Code Title 7, Subtitle C "Rules of the Road." (Transportation Code, Section 542.4031.) *Note: State parking and pedestrian violations are included. A five (5) percent service fee is allowed on this fund.*

Section II: As applicable

- Item 10 - Peace Officer Fees -** Report 20 percent for actions by state officers only. (Code of Criminal Procedure, Section 102.011.)
- Item 11 - Failure to Appear/Pay Fee (FTA) -** A \$30 administrative fee shall be assessed on a failure to appear or satisfy a judgment for certain violations (Transportation Code, Section 706.002) only if a city has contracted with the Department of Public Safety. Two-thirds (\$20) is sent to the state. One-third (\$10) is retained locally.
- Item 12 - Motor Carrier Weight Violations (MCW) -** Remit 50 percent of the fines collected on violations of Transportation Code, Section 621.506. Only the fines for Over Allowed Gross Weight single axle, tandem axle, or gross weight and Over Allowed Gross Weight-Zoned violations should be reported. For offenses committed on or after September 1, 1999, which occurred within 20 miles of an international border, the entire fine shall be deposited in the municipal or county treasury for the purpose of road maintenance.
- Item 13 - Time Payment Fees (TP) -** Report 50 percent of any portion of the \$25 fee collected from a person who pays any part of a fine, court cost, or restitution on or after the 31st day after the date on which a judgment is entered assessing the fine, court cost, or restitution. (Local Government Code, Section 133.103.)
- Item 14 - Driving Record Fees (DRF) -** Remit fee assessed by the judge when he orders a driving record from DPS for deferred disposition cases. (Code of Criminal Procedure 45.0511 c-1.)
- Item 15 - Judicial Support Fees (JS) -** A \$6 court cost assessed on convictions of all offenses except pedestrian or parking of a motor vehicle. Local jurisdiction retains \$0.60 of each fee and remits \$5.40 to the state. (Local Government Code, Section 103.105.) *Note: For offenses between Dec. 1, 2005 and Jan. 1, 2008, only \$4 assessed on convictions.*

**Please complete and sign this report and enter a telephone number that
can be called if additional information is necessary.**

*** INTERNET ***

Code ■ 32610

b. ■

• DO NOT WRITE IN SHADED AREAS

STATE CRIMINAL COSTS AND FEES

• **CITY QUARTERLY REPORT** - This report must be filed by the due date even if no payment is due.
An amount or a zero (0) MUST be entered on all lines for Columns 1 and 3.

c. City identification number	f. Report for quarter ending	e. Due date of report
-------------------------------	------------------------------	-----------------------

d. City name and mailing address

h. IMPORTANT
Blacken this box if your address has changed. Show changes by the preprinted information.

• SEE BACK FOR INSTRUCTIONS

SECTION I: Reports for offenses committed

	Column 1 TOTAL COLLECTED (State court costs only) Dollars and cents	Column 2 SERVICE FEE (See instructions)	Column 3 AMOUNT DUE STATE (Col. 1 minus Col. 2)
1. 01-01-04 Forward	\$		\$
2. 09-01-01 -- 12-31-03			
3. 08-31-99 -- 08-31-01			
4. 09-01-97 -- 08-30-99			
5. 09-01-95 -- 08-31-97			
6. 09-01-91 -- 08-31-95			
7. Jury Reimbursement Fee (JRF)			
8. Indigent Defense Fund (IDF)			
9. State Traffic Fine (STF)		(5%)	

SECTION II: As applicable

10. Peace Officer Fees (Report 20% of fees from actions by state officers only.)	10. \$
11. Failure to Appeal/Pay Fees (FTA) (Report \$20 of the administrative fee.)	11. ■
12. Motor Carrier Weight Violations (MCW) (Report 50% of the fines collected.)	12. ■
13. Time Payment Fees (TP) (Report 50% of the \$25 fee.)	13. ■
14. Driving Records Fee (DRF) (Report 100% of fees collected.)	14. ■
15. Judicial Support Fee (JS)	15. ■
16. TOTAL DUE FOR THIS PERIOD (Total of Items 1 thru 15 in Column 3.)	16. \$

*** DO NOT DETACH ***

17. TOTAL AMOUNT DUE AND PAYABLE (Same as Item 16) 17. \$

City name

■ T Code ■ City identification no. ■ Period

32600

For assistance call (800) 531-5441, ext. 3-4276, toll free nationwide, or call (512) 463-4276.

Make the amount in Item 17 payable to:
STATE COMPTROLLER

Mail to: COMPTROLLER OF PUBLIC ACCOUNTS
P.O. Box 149361
Austin, Texas 78714-9361

I, (type or print name) _____ certify
that the information above is true as shown in the records of the treasury of the city named.

sign here

Title _____ Date _____

Phone number (Area code and number) _____

Notice

Your State Criminal Costs and Fees

Susan Combs
Texas Comptroller of Public Accounts

JANUARY 2010

City Quarterly Report – fourth quarter – 2009

A legislative change, passed by the 81st Regular Legislature, will affect your next quarterly report. House Bill 3389, effective Jan. 1, 2010, added Code of Criminal Procedures 102.22 to create a new state court cost of \$0.10 on convictions of "moving violations" as defined by the Texas Department of Public Safety. Funds from this court cost will be deposited to the new Civil Justice Data Repository Fund to be used by the Texas Commission on Law Enforcement Officer Standards and Education to implement duties under Occupations Code 1701.162. This new court cost will be reported beginning with the first quarter 2010. This legislative change will also require modifications to the report form and are described below.

Report Form Changes (effective Jan. 1, 2010)

To provide a line for reporting the new moving violations court cost from HB 3389, changes will be made to Section I of the State Criminal Costs and Fees – City Quarterly Report beginning with the first quarter 2010.

- Lines 5 and 6 will be combined to report consolidated court costs collected on offenses committed between **Sept. 1, 1991, and Aug. 31, 1997.**
- Jury Reimbursement Fee (JRF) will be reported on Line 6.
- Indigent Defense Fund (IDF) will be reported on Line 7.
- Line 8 will be for reporting the new \$0.10 moving violations fee as provided by HB 3389 and will be titled "Moving Violations Fees (MVF)."
- State Traffic Fine (STF) will continue to be reported on Line 9.
- There are no changes to Section II.

If you have any questions regarding this court cost, reporting procedures or the legislation, please contact us by e-mail at court.costs@cpa.state.tx.us, toll free at (800) 531-5441, ext. 3-4276, or direct in Austin at (512) 463-4276.



Sign up to receive e-mail updates on the Comptroller topics of your choice at www.window.state.tx.us/subscribe.

Y. ...
...

NAMES, LEGAL REFERENCES, AND ABBREVIATIONS

Cost / Fee	Legal Reference	Abbreviation
Driving Record Fee	Code of Criminal Procedure, Article 45.0511(c-1)	DRF
Juror Reimbursement Fee	Code of Criminal Procedure, Article 102.0045	JRF
Fees for Services of Peace Officers	Code of Criminal Procedure, Article 102.011 Local Government Code, Section 133.104	FSPO
Child Safety Court Costs	Code of Criminal Procedure, Article 102.014	CS
Municipal Court Building Security Fee	Code of Criminal Procedure, Article 102.017	MCBS
Municipal Court Technology Fee	Code of Criminal Procedure, Article 102.0172	MCT
Juvenile Case Manager Court Cost	Code of Criminal Procedure, Article 102.0174	JCM
<i>Moving Violation Court Cost (effective Jan. 1, 2010)</i>	<i>Code of Criminal Procedure, Article 102.022</i>	<i>MVCC</i>
Consolidated Court Cost	Local Government Code, Section 133.102	CCC
Time Payment Fee	Local Government Code, Section 133.103	TPF
Judicial Support Fee	Local Government Code, Section 133.105	JSF
Indigent Defense Representation Fee	Local Government Code, Section 133.107	IDF
Local Traffic Court Cost	Transportation Code, Section 542.403	TFC
State Traffic Fine	Transportation Code, Section 542.4031	STF
<i>Safety Seat Court Cost (effective June 1, 2010)</i>	<i>Transportation Code, Section 545.412</i>	<i>SSCC</i>
Failure to Appear, Pay, or Satisfy Judgment Fee	Transportation Code, Section 706.006	FTA

ADMINISTERED BY AND USED FOR

Consolidated Court Cost (\$40.00)

- 90 percent sent to the state is allocated based on specified percentages to the following:

Abused Children's Counseling (0.0088 percent)

- money received is deposited in the general revenue fund of the State of Texas

Crime Stoppers Assistance (0.2581 percent)

- administered by the Criminal Justice Division of the Governor's Office and used primarily to fund crime stoppers organizations and in part to operate a toll-free telephone service accessible to persons residing in areas of the state not covered by a crime stoppers organization for reporting information about criminal acts

Breath Alcohol Testing (0.5507 percent)

- administered by the Department of Public Safety and used for the implementation, administration, and maintenance of the state-wide certified breath alcohol testing program

Bill Blackwood Law Enforcement Management Institute (2.1683 percent)

- administered by the Bill Blackwood Law Enforcement Institute of Texas and used for training police management personnel

Law Enforcement Officers Administrative and Continuing Education Accounts (5.0034 percent)

- administered by the Commission on Law Enforcement Officer Standards and Education and used for Commission administrative expenses and training law enforcement personnel

Comprehensive Rehabilitation (5.3218 percent)

- administered by the Texas Rehabilitation Commission and used for providing rehabilitation services to eligible individuals

Operator's and Chauffeur's License (11.1426 percent)

- administered by the Department of Public Safety and used to defray the expenses of administering the Safety Responsibility law

Criminal Justice Planning (12.5537 percent)

- administered by the Criminal Justice Division of the Governor's Office and used for state and local criminal justice projects and for costs of administering funds for the projects

Fair Defense Account (6.0143 percent)

- administered by the Task Force on Indigent Defense for the purpose of implementing Government Code, Chapter 71, Subchapter D

Judicial and Court Personnel Training (4.8362 percent)

- administered by the Court of Criminal Appeals and used for continuing legal education of judges and court personnel

Compensation to Victims of Crime (37.6338 percent)

- administered by the Attorney General's Office and used for compensation to claimants, operation of the Crime Victims Institute, crime victims compensation administration, and victims related services and assistance

Fugitive Apprehension (12.0904 percent)

- administered by the Department of Public Safety and used to pay for the cost of apprehending and incarcerating certain individuals

Juvenile Crime and Delinquency (1.2090 percent)

- administered by Prairie View A&M and used for the establishment and operation of the Center for the Study and Prevention of Juvenile Crime and Delinquency

Correctional Management Institute (1.2090 percent)

- administered by Sam Houston State University and used for the establishment and operation of the Correctional Management Institute of Texas and Criminal Justice Center account
- 10 percent retained locally is administered by the city and used as determined by the governing body

Juror Reimbursement Fee (\$4.00)

- 90 percent sent to the state is deposited in the Jury Service Fund for juror cost reimbursement to counties
- 10 percent retained locally is administered by the city and used as determined by the governing body

Judicial Support Fee (\$6.00)

- 90 percent sent to the state is deposited in the Judicial Fund for the support of court-related purposes
- 10 percent retained locally is administered by the city and used as determined by the governing body

Indigent Defense Fee (\$2.00)

- 90 percent sent to the state is deposited in the Fair Defense Account for the purpose of implementing Government Code, Chapter 71, Subchapter D
- 10 percent retained locally is administered by the city and used as determined by the governing body

State Traffic Fine (\$30.00)

- 95 percent sent to the state is allocated to the following:
 - 67 percent is deposited to the undedicated portion of the general revenue fund of the State of Texas
 - 33 percent is administered by the Texas Department of Health to fund designated trauma facilities, county and regional emergency medical services, and trauma care systems
- 5 percent retained locally is administered by the city and used as determined by the governing body

State Moving Violation Court Cost (10 cents) – for conviction of offenses committed on or after January 1, 2010

- 90 percent sent to the state is deposited in the Civil Justice Data Repository Fund for funding a statewide repository for data related to civil justice
- 10 percent retained locally is administered by the city and used as determined by the governing body

Safety Seat Court Cost (15 cents) – for conviction of offenses committed on or after June 1, 2010

- 100 percent sent to the state is deposited in an account for appropriation to the Texas Department of Transportation to used to purchase child passenger safety seat systems and distribute them to low-income families

Time Payment Fee (\$25.00)

- 50 percent sent to the state is deposited in the general revenue fund of the State of Texas
- 10 percent retained locally is administered by the city and used for the efficiency of judicial administration
- 40 percent retained locally is administered by the city and used as determined by the governing body

Arrest and Warrant Fees (\$5.00, \$50.00)

- amount sent to the state (20 percent when services performed by a state peace officer) is deposited in the general revenue fund of the State of Texas
- amount retained locally (80 percent when services performed by a state peace officer and 100 percent when services performed by a local peace officer) is administered by the city and used as determined by the governing body

Failure to Appear, Pay, or Satisfy Judgment Administrative Fee (\$30.00)

- two-thirds (\$20.00 of each \$30.00) sent to the state
 - of each \$20.00 sent to the state, \$10.00 is administered by the Department of Public Safety and used for implementing the Failure to Appear Program
 - of each \$20.00 sent to the state, \$10.00 is deposited in the general revenue fund of the State of Texas
- one-third (\$10.00 of each \$30.00) retained locally
 - of each \$10.00 retained locally, \$6.00 is paid to OmniBase Services, Inc. of Austin
 - of each \$10.00 retained locally, \$4.00 is administered by the city and used as determined by the governing body

Driving Record Fee (\$10.00 plus the fee for using TexasOnline)

- 100 percent sent to the state is credited to the Texas Department of Public Safety

Local Child Safety Fund Court Cost (\$2.00-\$5.00, not to exceed \$5.00, \$20.00, \$25.00)

- 100 percent retained locally is administered by the city
 - if city population greater than 850,000 (according to most recent federal decennial census), deposited in the Municipal Child Safety Trust Fund and used for providing school crossing guard services. After paying school crossing guard services expenses, any remainder may be used to enhance child safety, health, or nutrition, including child abuse intervention and prevention and drug and alcohol abuse prevention
 - if city population less than 850,000 (according to most recent federal decennial census), used for a school crossing guard program if the city operates one. If not, or if money exceeds the amount necessary to operate the program, additional money may be: deposited in an interest-bearing account; expended for programs designed to enhance child safety, health, or nutrition, including child abuse prevention and drug and alcohol abuse prevention; or expended for programs designed to enhance public safety and security

Local Traffic Court Cost (\$3.00)

- 100 percent retained locally is administered by the city and used as determined by the governing body

Local Municipal Court Building Security Fund Fee (\$3.00)

- 100 percent retained locally is administered by the city and used to finance items for the purpose of providing security services for buildings housing a municipal court

Local Municipal Court Technology Fund Fee (not to exceed \$4.00)

- 100 percent retained locally is administered by the city and used to finance the purchase of or to maintain technological enhancements for a municipal court

Local Juvenile Case Manager Fund Court Cost (not to exceed \$5.00)

- 100 percent retained locally is administered by the city and used to finance the salary and benefits of a juvenile case manager

Government Code, Section 51.607**IMPLEMENTATION OF NEW OR AMENDED COURT COSTS AND FEES**

(a) Following each regular session of the legislature, the comptroller shall identify each law enacted by that legislature, other than a law disapproved by the governor, that imposes or changes the amount of a court cost or fee collected by the clerk of a district, county, statutory county, municipal, or justice court from a party to a civil case or a defendant in a criminal case, including a filing or docketing fee, jury fee, cost on conviction, or fee or charge for services to cover the expenses of a public official or agency. This subsection does not apply to attorney's fees, civil or criminal fines or penalties, or amounts charged, paid, or collected on behalf of another party to a proceeding other than the state in a criminal case, including restitution or damages.

(b) The comptroller shall prepare a list of each court cost or fee covered by Subsection (a) to be imposed or changed and shall publish the list in the Texas Register not later than August 1 after the end of the regular session of the legislature at which the law imposing or changing the amount of the cost or fee was enacted. The comptroller shall include with the list a statement describing the operation of this section and stating the date the imposition or change in the amount of the court cost or fee will take effect under Subsection (c).

(c) Notwithstanding the effective date of the law imposing or changing the amount of a court cost or fee included on the list, the imposition or change in the amount of the court cost or fee does not take effect until the next January 1 after the law takes effect.

(d) This section does not apply to a court cost or fee if the law imposing or changing the amount of the cost or fee:

(1) expressly provides that this section does not apply to the imposition or change in the amount of the cost or fee; or

(2) takes effect before August 1 or after the next January 1 following the regular session of the legislature at which the law was enacted.

CHART OF OFFENSES AND CHARGES FOR MUNICIPAL COURTS
For Conviction of Offenses Committed On or After January 1, 2010

Offense / Description	State CCC	State JRF	State JSF	State IDF	State STF	Local TFC	Local CS	Total*
<u>MUNICIPAL ORDINANCES</u>								
Parking authorized by Transportation Code §§542.202, 542.203	NA	NA	NA	NA	NA	NA	Note 1	Note 1
Pedestrian	NA	NA	NA	NA	NA	NA	NA	NA
All Other Municipal Offenses	40.00	4.00	6.00	2.00	NA	NA	NA	52.00
<u>STATE LAW</u>								
Education Code §25.093 – Parent Contributing to Nonattendance and §25.094 – Failure to Attend School	40.00	4.00	6.00	2.00	NA	NA	20.00	72.00
Transportation Code, Title 7, Subtitle C (Rules of the Road)								
- Parking and Pedestrian In a School Crossing Zone	NA	NA	NA	NA	30.00	3.00	25.00	58.00
- Parking and Pedestrian Outside a School Crossing Zone	NA	NA	NA	NA	30.00	3.00	NA	33.00
- §545.066 – Passing a School Bus	40.00	4.00	6.00	2.00	30.00	3.00	25.00	110.00
- Other In School Crossing Zone	40.00	4.00	6.00	2.00	30.00	3.00	25.00	110.00
- Other Outside School Crossing Zone	40.00	4.00	6.00	2.00	30.00	3.00	NA	85.00
All Other Misdemeanors								
- Privileged (handicapped) Parking (Transportation Code §681.011)	NA	NA	NA	NA	NA	NA	NA	0.00
- Other	40.00	4.00	6.00	2.00	NA	NA	NA	52.00

* Add the following to the total whenever they apply:

- Applicable fees for services of peace officers under Code of Criminal Procedure, Article 102.011, including:
 - ARREST FEE: \$5.00 for issuing a written notice to appear in court following the defendant's violation of a traffic law, municipal ordinance, or penal law, or for making an arrest without a warrant. When service is performed by a peace officer employed by the state, 20 % (\$1.00) is sent to the state.
 - WARRANT FEE: \$50.00 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% (\$10.00) is sent to the state.
 - SUMMONING A WITNESS: \$5.00 for serving a subpoena. Local fee.
 - SUMMONING A JURY: \$5.00 for summoning a jury. Local fee.
 - SERVICE OF SUMMONS (for a defendant or child's parents): \$35.00. Local fee.
 - OTHER COSTS: Costs for overtime paid for time spent testifying in or traveling to or from testifying in the trial of a case. Local fee.
- MOVING VIOLATION COURT COST (MVCC): For conviction of offenses committed on or after January 1, 2020, ten cents on conviction of a "moving violation". A "moving violation" is an offense that involves the operation of a motor vehicle and is classified as a moving violation under Section 708.052, Transportation Code.

CHART OF OFFENSES AND CHARGES FOR MUNICIPAL COURTS

For Conviction of Offenses Committed On or After January 1, 2010

Page 2

- **DRIVING RECORD FEE (DRF):** Optional fee of \$10.00 plus the fee for using Texas Online for obtaining a copy of the defendant's driving record from the Texas Department of Public Safety. One hundred percent is sent to the state.
- **SPECIAL EXPENSE WARRANT FEE:** Not to exceed \$25.00 per warrant for failure to appear or violate promise to appear if governing body has passed required ordinance. Local fee.
- **MUNICIPAL COURT BUILDING SECURITY FEE:** \$3.00 if governing body has passed required ordinance. Local fee.
- **MUNICIPAL COURT TECHNOLOGY FEE:** Not to exceed \$4.00 if governing body has passed required ordinance. Local fee.
- **JUVENILE CASE MANAGER COURT COST (JCM):** Not to exceed \$5.00 if governing body has passed required ordinance. Local fee.
- **FAILURE TO APPEAR, PAY, OR SATISFY JUDGMENT FEE:** If city has contracted with the Department of Public Safety to provide information necessary for the Department to deny renewal of driver's licenses, \$30.00 for: (a) each violation for which a person fails to appear, unless the person is acquitted of the charges for which the person failed to appear. The fee is due when: (1) the court enters judgment on the underlying offense reported to the Department; (2) the underlying offense is dismissed; or (3) bond or other security is posted to reinstate the charge for which the warrant was issued; or (b) failing to pay or satisfy a judgment ordering the payment of a fine and cost in the manner the court orders.
- **JURY FEE:** \$3.00 per conviction where conviction is by a jury or where a defendant requests a jury trial and withdraws the request within less than 24 hours of the time of trial. Local fee.
- **TIME PAYMENT FEE:** \$25.00 from a person who pays any part of a fine, court costs, or restitution on or after the 31st date after the date on which a judgment is entered assessing the fine, court costs, or restitution. One-half (\$12.50) is sent to the state. One-tenth (\$2.50) is retained locally for judicial efficiency. Four-tenths (\$10.00) is retained locally with no restrictions.
- **OTHER FEES INCLUDING:**
 - **ADMINISTRATIVE FEE FOR DISMISSING A CHARGE OF OPERATION OF A VEHICLE WITHOUT A LICENSE PLATE OR REGISTRATION INSIGNIA.** Mandatory fee not to exceed \$10.00. Local Fee. (Transportation Code §502.404).
 - **ADMINISTRATIVE FEE FOR DISMISSING A CHARGE OF DRIVING WITH AN EXPIRED MOTOR VEHICLE REGISTRATION:** Optional fee not to exceed \$20.00. Local fee. (Transportation Code §502.407).
 - **ADMINISTRATIVE FEE FOR DISMISSING A CHARGE OF WRONG, FICTITIOUS, ALTERED, OR OBSCURED LICENSE PLATE.** Mandatory fee not to exceed \$10.00. Local fee. (Transportation Code §502.409).
 - **ADMINISTRATIVE FEE FOR DISMISSING A CHARGE OF NOT HAVING DRIVER'S LICENSE IN POSSESSION.** Optional fee not to exceed \$10.00. Local Fee. (Transportation Code §521.025).
 - **ADMINISTRATIVE FEE FOR DISMISSING A CHARGE OF DRIVING WITH AN EXPIRED DRIVER'S LICENSE.** Optional fee not to exceed \$20.00. Local fee. (Transportation Code §521.026).
 - **ADMINISTRATIVE FEE FOR DISMISSING A CHARGE OF FAILURE TO GIVE NOTICE OF ADDRESS OR NAME CHANGE.** Mandatory fee not to exceed \$20.00 (but may be waived). Local fee. (Transportation Code §521.054).
 - **ADMINISTRATIVE FEE FOR DISMISSING A CHARGE OF VIOLATING A DRIVER'S LICENSE RESTRICTION OR ENDORSEMENT.** Mandatory fee not to exceed \$10.00. Local fee. (Transportation Code §521.221).
 - **ADMINISTRATIVE FEE FOR DISMISSING A CHARGE OF UNSAFE OR IMPROPERLY EQUIPPED VEHICLE.** Mandatory fee not to exceed \$10.00. Local fee. (Transportation Code §547.004).

CHART OF OFFENSES AND CHARGES FOR MUNICIPAL COURTS

For Conviction of Offenses Committed On or After January 1, 2010

Page 3

- ADMINISTRATIVE FEE FOR DISMISSING A CHARGE OF DRIVING WITH AN EXPIRED INSPECTION CERTIFICATE: Mandatory fee not to exceed \$20.00 for mandatory dismissals. Local fee. (Transportation Code §548.605).
- ADMINISTRATIVE FEE FOR DISMISSING A CHARGE OF OPERATING A VESSEL WITH AN EXPIRED CERTIFICATE. Mandatory fee not to exceed \$10.00. Local fee. (Parks and Wildlife Code §31.127).
- ADMINISTRATIVE FEES FOR REQUESTING A DRIVING SAFETY COURSE: (a) Optional fee not to exceed \$10.00 for mandatory driving safety courses; and (b) Optional fee not to exceed the maximum amount of the fine for the offense for permissive driving safety courses. Local fees.
- TEEN COURT FEES: (a) Optional fee not to exceed \$10.00 for requesting teen court; and (b) Optional \$10.00 teen court program fee. Local fees. The fees are \$20.00 if the court is located in the Texas-Louisiana region as defined by Government Code §2056.002. The region includes the counties of Bowie, Camp, Cass, Delta, Franklin, Gregg, Harrison, Hopkins, Lamar, Marion, Morris, Panola, Red River, Rusk, Smith, Titus, Upshur, and Wood.
- EXPUNGEMENT FEE (EF): \$30.00 for each application filed under: (1) Alcoholic Beverage Code, Section 106.12; (2) Code of Criminal Procedure, Article 45.0216; (3) Code of Criminal Procedure, Article 45.055; and (4) Health and Safety Code, Section 161.255.

Note 1: Up to \$5.00 court cost for cities with population less than 850,000 that have adopted appropriate ordinance, regulation, or order (optional).
\$2.00 - \$5.00 court cost for cities with population greater than 850,000 that have adopted appropriate ordinance, regulation, or order (mandatory).

There will also be a new 15 cent court cost for conviction of offenses under Transportation Code, Section 545.412, Child Passenger Safety Seat Systems that occur on or after June 1, 2010.

Figure: 37 TAC §15.89(b)

Arrest Title	Driver Responsibility Points
Aggravated assault with motor vehicle	Yes
Backed up on shoulder (or roadway) of controlled access highway	Yes
Bus driver failed to activate warning signal/equipment	Yes
Bus failed to stop at RR crossing	Yes
Bus shifting gears while crossing RR tracks	Yes
Changed lane when unsafe	Yes
Child passenger safety seat offense	Yes
Coasting	Yes
Coasting (truck, truck tractor or bus, specify) with clutch disengaged	Yes
Consume alcohol while driving	Yes
Criminal negligent homicide with motor vehicle--1st or 2nd degree	Yes
Crossed RR with heavy equipment without notice	Yes
Crossed RR with heavy equipment without stop (or safety)	Yes
Crossing fire hose without permission	Yes
Crossing physical barrier	Yes
Cut across driveway to make turn	Yes
Cut corner left turn	Yes
Cut in after passing	Yes
Did not use designated lane or direction	Yes
Disregard solid green turn signal arrow	Yes

Disregarded flashing red signal (at stop sign, etc.)	Yes
Disregarded flashing yellow signal	Yes
Disregarded lane control signal	Yes
Disregarded no lane change sign	Yes
Disregarded no passing zone	Yes
Disregarded police officer	Yes
Disregarded RR crossing gate or flagman	Yes
Disregarded signal at RR crossing	Yes
Disregarded traffic control device	Yes
Disregarded turn marks at intersection	Yes
Disregarded warning sign at construction	Yes
Drive into block where fire engine stopped	Yes
Driving under influence	No
Driving under influence (DUI)--minor	Yes
Driving under influence of drugs	No
Driving while impaired	No
Driving while intoxicated > 0.16	No
Driving while intoxicated with child younger than 15 yoa	No
Driving while intoxicated--felony	No
Driving while intoxicated--juvenile	No
Driving while intoxicated--misdemeanor	No
Driving while intoxicated--on beach	No
Driving while intoxicated--probated	No

Driving while intoxicated--under 21	No
Driving while license disqualified--CMV	No
Driving while license suspended under provisions of DL laws	No
Driving while license suspended--SR	No
Drove center lane (not passing, not turning left)	Yes
Drove on (or across) streetcar tracks where prohibited	Yes
Drove on sidewalk	Yes
Drove on wrong side--RR crossing	Yes
Drove on wrong side of approaching bridge	Yes
Drove on wrong side of divided highway	Yes
Drove on wrong side of road	Yes
Drove on wrong side road approaching intersection	Yes
Drove on wrong side road approaching RR grade crossing	Yes
Drove on wrong side road awaiting access to ferry	Yes
Drove onto (or from) controlled access highway where prohibited	Yes
Drove through safety zone	Yes
Drove to left of rotary traffic island	Yes
Drove without lights--when required	Yes
Drove wrong way in designated lane	Yes
Drove wrong way on one-way roadway	Yes
Endorsement violation CDL	No
Excessive acceleration (NO LONGER OFFENSE 9/01/2003)	No
Exhibition of Acceleration (NO LONGER OFFENSE 9/01/2003)	No

Fail to control speed	Yes
Fail to dim headlights--following	Yes
Fail to dim headlights--meeting	Yes
Fail to drive in single lane	Yes
Fail to give hand signals when required	Yes
Fail to give info/render aid	No
Fail to give one-half of roadway	Yes
Fail to keep to right on mountain road	Yes
Fail to pass left safely	Yes
Fail to pass met vehicle to right	Yes
Fail to pass to right safely	Yes
Fail to signal for stop	Yes
Fail to signal required distance before turning	Yes
Fail to signal turn	Yes
Fail to signal with turn indicator	Yes
Fail to sound horn--mountain road	Yes
Fail to stop--designated point--at stop sign	Yes
Fail to stop--designated point--at yield sign	Yes
Fail to stop and render aid--felony	No
Fail to stop and render aid--misdemeanor	No
Fail to stop at marked RR crossing	Yes
Fail to stop at proper place (at traffic light)	Yes
Fail to stop at proper place (flashing red signal)	Yes

Fail to stop at proper place (not at intersection)	Yes
Fail to stop for approaching train	Yes
Fail to stop for approaching train--hazardous proximity	Yes
Fail to stop for school bus (or remain stopped, specify)	Yes
Fail to stop for streetcar--or stop at wrong location	Yes
Fail to stop--emerging from alley, driveway or bldg.	Yes
Fail to use due care for pedestrian	Yes
Fail to use proper headlight beam	Yes
Fail to yield at stop intersection	Yes
Fail to yield at yield intersection	Yes
Fail to yield for blind or incapacitated person	Yes
Fail to yield right of way	Yes
Fail to yield right of way from private road	Yes
Fail to yield row at open intersection (specify type)	Yes
Fail to yield row leaving (private drive, alley, building)	Yes
Fail to yield row on green arrow signal	Yes
Fail to yield row on green signal	Yes
Fail to yield row on left at obstruction	Yes
Fail to yield row to emergency vehicle	Yes
Fail to yield row to pedestrian at signal intersection	Yes
Fail to yield row to pedestrian in crosswalk	Yes
Fail to yield row to pedestrian in crosswalk--no signal	Yes
Fail to yield row to pedestrian on sidewalk	Yes

Fail to yield row to pedestrian turning right or left at intersection	Yes
Fail to yield row to pedestrian--green arrow signal	Yes
Fail to yield row--changing lanes	Yes
Fail to yield row--turning left (at intersection, alley, private road or driveway)	Yes
Fail to yield row--turning right on red signal	Yes
Fail to yield to vehicle in intersection	Yes
Fail to yield to vehicle leaving highway	Yes
Failed to give way when overtaken	Yes
Failed to signal lane change	Yes
Fleeing from police officer	Yes
Following ambulance	Yes
Following fire apparatus	Yes
Following too closely	Yes
Following too closely--caravan	Yes
Following too closely--truck	Yes
Head lamps glaring not adjusted	Yes
Heavy equipment disregarded signal of train	Yes
Illegal backing	Yes
Illegal pass on right	Yes
Illegally passed streetcar	Yes
Impeding traffic	Yes
Improper turn	Yes
Improper turn or stop hand signal	Yes

Improper use of auxiliary driving lamps	Yes
Improper use of auxiliary passing lamps	Yes
Improper use of lighting--hwy. equip.	Yes
Improper use of spot lamps	Yes
Improper use of turn indicator	Yes
Increased speed while being overtaken	Yes
Interfere with streetcar	Yes
Intoxication assault	No
Intoxication assault motor vehicle	No
Intoxication manslaughter	No
Intoxication manslaughter motor vehicle	No
Involuntary manslaughter with motor vehicle	Yes
Leaving scene of accident	Yes
Leaving scene of accident--vehicle damage	Yes
Made U-turn on curve or hill	Yes
Murder--with motor vehicle	Yes
Negligent collision	Yes
No commercial driver license (CDL)	No
No double trailer endorsement (CDL)	No
No driver license	No
No hazmat endorsement (CDL)	No
No motorcycle endorsement	No
No passenger vehicle endorsement (CDL)	No

No tank vehicle endorsement (CDL)	No
No school bus endorsement (CDL)	No
Obstructed view through windshield	Yes
Obstructing traffic	Yes
Open Container DRIVER	Yes
Operate vehicle more than one passenger-minor	Yes
Operate vehicle where prohibited	Yes
Operate vehicle with child in open bed	Yes
Passed streetcar on left without reducing speed or without caution	Yes
Passed vehicle stopped for pedestrian	Yes
Passed--insufficient clearance	Yes
Passengers/load obstruct driver's view or control	Yes
Passing authorized emergency vehicle	Yes
Permitted/operated unsafe vehicle	Yes
Person(s) riding in trailer or semi-trailer	Yes
Prohibited motor vehicle on controlled-access highway	Yes
Racing--drag racing--acceleration contest, etc.	Yes
Ran red light	Yes
Ran stop sign	Yes
Reckless driving	Yes
Restriction violation--CDL	Yes
Slower vehicle failed to keep to right	Yes
Speed under minimum	Yes

Speeding	No
Speeding > 10% above posted speed limit	Yes
Speeding--15 miles or over (CDL)	Yes
Speeding--school zone	Yes
Too many riders on motorcycle	Yes
Turned across dividing section	Yes
Turned left from wrong lane	Yes
Turned right from wrong lane	Yes
Turned right too wide	Yes
Turned so as to impede or interfere with streetcar	Yes
Turned when unsafe	Yes
Unauthorized use of siren, bell or whistle	Yes
Unsafe speed (too fast for conditions)	Yes
Unsafe start from parked, stopped or standing position	Yes
Use of school bus signal for wrong purpose	Yes
Veh. hauling explosives (or flammable materials) failed to stop at RR crossing	Yes
Veh. hauling explosives failed to reduce speed at RR crossing	Yes
Vehicle without required equipment or in unsafe condition	Yes
Violate DL restriction	Yes
Violate DL restriction on occupational license	Yes
Violate operating hours-minor	Yes
Violated out of service order	Yes
Wrong side road--not passing	Yes

Wrong side, 4 or more lane, two-way roadway	Yes
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Administrative Issues

Subject: Deferred Disposition Special Expense Fee

H.B. 1544

Effective Date: September 1, 2009

This bill amends Article 45.051, Code of Criminal Procedure, to authorize a municipal or justice court to collect the special expense fee prior to the end of the deferral period. Currently, there is no statutory authorization for a special expense fee to be collected until the end of the deferral period. In issuing the order of deferral, the judge may impose a special expense fee in an amount not to exceed the amount of the fine that could be imposed on the defendant as punishment for the offense. The special expense fee may be collected at any time before the date on which the period of probation ends. The judge may elect not to impose the special expense fee for good cause shown by the defendant. If the judge orders the collection of a special expense fee, the judge shall require that the amount of the special expense fee be credited toward the payment of the amount of the fine imposed by the judge.

TMCEC Commentary: In other words, this bill legitimizes what many municipal and justice courts have been doing for years without express statutory authority. Interestingly, a similar proposal, S.B. 365 would have mandated that a special expense fee be collected in all cases (no judicial discretion) and that the amount of the fee had to be equal to the amount of the suspended fine.

H.B. 1544 became a “leap pad” for a piece of legislation that appeared dead towards the end of Session: S.B. 412. S.B. 412 originated from a legislative proposal supported by the Texas Judicial Council. It merely allowed bond money during the deferral period to be applied to either the payment of the fine (*i.e.*, unsuccessful completion of the deferred disposition) or the special expense fee (*i.e.*, successful completion of the deferred disposition). H.B. 1544 is a compromise between proponents of S.B. 412 (which was judge-oriented and prosecutor friendly) and S.B. 365 (which was finance director-oriented and cash flow friendly). Thanks to actions by judges and prosecutors, in its final version, the special expense fee is still optional and cannot exceed the maximum amount that could have been imposed as punishment for an offense. However, the posting of the bond to secure the special expense fee is no longer in the bill. Why? Presumably, because under H.B. 1544, the special expense fee can now be “collected at any time before the date on which the period of probation ends.” (For those who understand the special expense fee to be something successful probationers pay at the conclusion of deferred disposition, this change in law may be a hard adjustment.) Inevitably, the new language begs the question: what happens if the special expense fee is not paid before the period of probation ends? Can the special expense fee not be collected afterwards? Additionally, new language requires inference. Article 45.051(a), amended, states “If the judge orders the collection of a special expense fee, the judge shall require that the amount of the special expense fee be credited toward the payment of the amount of the fine imposed by the judge.” Such language fails to expressly state that this occurs upon default of the deferral order, though it can reasonably be implied. Note: Section 1 of this bill, detailed in Procedural Law, relates to the late entry of a plea by mail.

Subject: DPS Reporting

H.B. 2730

Effective Date: September 1, 2009

H.B. 2730 relates to the continuation and functions of DPS.

TMCEC Commentary: Article 17 of this 242-page bill amends the time deadlines for reporting certain convictions to DPS. Section 543.203 of the Transportation Code is amended to require the magistrate, judge, or clerk to submit to DPS, not later than the *seventh* day after a conviction or bail forfeiture, the written record of a case involving a violation of a law regulating the operation of a vehicle on a highway. H.B. 2730 makes the same change to Section 543.204, requiring a judge who has placed a defendant on

deferred disposition and subsequently enters an adjudication of guilt under Section 45.051 to submit the record to DPS not later than the *seventh* day after adjudication. (The law currently allows courts 30 days to submit these reports.)

Interestingly, this bill also amends Section 522.061, requiring a commercial driver's license (CDL) holder, who is convicted in another state of violating a state law or local ordinance relating to motor vehicle traffic control, to notify DPS by the seventh day after the date of conviction. The CDL holder must also notify their employer within seven days of any in or out-of-state convictions. How often did CDL holders report these convictions to begin with when they have 30 days from the date of conviction to report?

Subject: Juror Exemption for Those with Custody of Children Under Age 15

H.B. 319

Effective Date: September 1, 2009

Currently, a jury exemption can be provided for a person who has custody of a child under age 10 and whose service on the jury would require leaving the child without adequate supervision. However, under Texas law, a person with custody of a child can be punished for abandonment or endangerment of a child under age 15. The age discrepancy creates a burden on persons who are required to serve on a jury and who have custody of a child who falls within the age gap.

H.B. 319 authorizes a person to be exempt from jury service if the person has custody of a child younger than 15 who would be left without adequate supervision if the person was required to serve on a jury.

TMCEC Commentary: This bill amends Section 62.106 of the Government Code.

Subject: Modification and Suspension of Court Rules During Disaster

H.B. 1861

Effective Date: Immediately

Over the last two years natural disasters have greatly impacted Texas. In the aftermath of Hurricane Ike, 2.5 million people lacked power, basic communications were halted, and an emergency evacuation was in order for many areas. Under these circumstances, courts had difficulty maintaining schedules and meeting certain statutory deadlines.

H.B. 1861 amends current law relating to the operation and administration of the judiciary in the event of a disaster.

TMCEC Commentary: This bill amends Section 22.0035 of the Government Code. It authorizes the Texas Supreme Court to modify or suspend court procedures during a disaster. If the disaster prevents the Supreme Court from acting, the Chief Justice of the Supreme Court may act on behalf of the Court. If the Chief Justice cannot act, because of the disaster, the Texas Court of Criminal Appeals may act on behalf of the Supreme Court. The bill also amends Section 74.093(c) Government Code, allowing for a coordinated response for the transaction of essential judicial functions in the event of a disaster. A similar bill, H.B. 4068, was vetoed by the Governor.

Subject: Expanded Use for Child Safety Funds in Cities with Population Under 850,000

S.B. 446

Effective Date: Immediately

A municipality with a population less than 850,000 must use money collected from certain municipal court costs for a school crossing guard program. If the municipality does not operate a school crossing guard program, or if the money received exceeds the amount necessary to fund such a program, the

municipality must either deposit the additional funds in an interest bearing account or use the funds for programs designed to enhance child safety, health, or nutrition.

S.B. 446 amends a provision of the Code of Criminal Procedure relating to the authorized uses for the money a municipality collects from court costs from municipal court cases. If the municipality does not operate a school crossing guard program, which otherwise would receive such funds, or the money received exceeds the amount necessary to fund such a program, this bill authorizes the municipality to expend the additional money for programs designed to enhance public safety and security.

TMCEC Commentary: This bill substantially expands the scope of Article 102.014, Code of Criminal Procedure, by allowing municipalities with a population less than 850,000 more discretion in the expenditure of the Child Safety Fund. Now, if such a city does not have a school crossing guard program or has funds in excess of what is needed for that fund, the city may expend the additional money on programs designed to “enhance public safety and security.”

Subject: Prohibition on Traffic-Offense Quotas

S.B. 420

Effective Date: Immediately

Section 720.002, Transportation Code, prohibits a political subdivision or agency of the state from establishing or maintaining, formally or informally, a plan to evaluate, promote, compensate, or discipline certain judges based on the amount of money collected by that judge from traffic offenses. However, the existing law permits municipalities to consider the amount of money collected from a municipal court or a municipal court of record when evaluating the performance of a judge employed by that municipality. This law clearly presents a conflict of interest since judges are paid through the municipality. In striving for an independent judiciary, it is difficult to judge neutrally when these funds are sought after by the municipalities.

TMCEC Commentary: This bill repeals Section 720.002(c) of the Transportation Code, which has undermined one of the primary purposes of the statute: specifically, prohibiting municipal governments from using revenue as a basis for reappointing municipal judges.

Subject: Judge’s Right to Appeal Censure by State Commission on Judicial Conduct (SCJC)

S.B. 1436

Effective Date: Immediately

S.B. 1436 entitles a judge who has been sanctioned or who receives censure under Section 1-a(8) (relating to a private or public admonition, warning, reprimand, or requirement of additional training or education, or formal hearing), Article V (Judicial Department), Texas Constitution, by State Commission on Judicial Conduct (SCJC) to a review of the SCJC’s decision.

TMCEC Commentary: This bill amends Section 33.034 of the Government Code regarding the appeal of SCJC decisions by a special court of review. Now, a judge may appeal a censure in addition to a sanction. It applies to censures issued after September 1, 2009. Another bill, S.B. 2325, relating to the confidentiality of certain information, including the identity of complainants to the SCJC, was vetoed.

Subject: Authorizes General Law Cities to Provide Longevity Pay to City Employees

H.B. 3001

Effective Date: Immediately

Currently, many cities, including general law municipalities, have ordinances that allow cities to provide longevity pay. However, a 1990 Attorney General Letter Opinion (LO-90-14) found no law giving a general law municipality the authority to provide such pay.

H.B. 3001 provides, by adding Section 141.010 of the Local Government Code, that a Type A or B general law municipality may consider longevity and cost of living in setting the salaries of municipal employees. This bill adds Section 141.010 of the Local Government Code, authorizing Type A or B general law cities to consider longevity and cost of living in setting the salaries of municipal employees.

Subject: Licensing and Appointment of Court Interpreters

H.B. 4445

Effective Date: September 1, 2011

H.B. 4445 amends current law relating to the licensing and appointment of certain court interpreters.

TMCEC Commentary: This was a divisive bill. Some municipal judges were understandably taken aback by the notion that all courts should not have interpreters with equal qualifications. Such judges have argued the problem is not with the law; it is with the test itself. The law contemplates that there will be one exam, but those achieving a certain designated score will be designated masters.

This bill amends Chapter 57 of the Government Code and creates two designated levels of court interpreters: a basic level and a master level. As Section 57.043 is amended, an interpreter with a basic designation will be permitted to interpret court proceedings in justice courts and municipal courts that are not courts of record, unless the judge is acting as a magistrate. A master level interpreter will be permitted to interpret in all courts of the state.

Subject: Instructions for Folding the Flag

S.B. 1145

Effective Date: September 1, 2009

S.B. 1145 amends the Government Code to specify that the Texas flag should be folded as follows: fold the flag in half lengthwise with the red stripe facing upward; fold the flag in half lengthwise once more, concealing the red stripe on the inside of the fold; position the flag with the white star facing downward and the blue stripe facing upward; fold the corner with the white stripe to the opposite side of the flag to form a triangle; continue folding the corners over in triangles until the resulting fold produces a blue triangle with a portion of the white star visible; and secure all edges into the folds.

S.B. 1145 specifies that a folded Texas flag should be presented or displayed with all folded edges secured and with the blue stripe and a portion of the white star visible. The bill specifies that a folded Texas flag should be stored or displayed in a manner that prevents tearing or soiling of the flag.

TMCEC Commentary: Courts that pride themselves on court decorum may want to be familiar with this bill. It adds Section 3100.073 of the Government Code.

Subject: Persons Authorized to Administer an Oath

H.B. 1285

Effective Date: Immediately

Current law authorizes a number of individuals who currently hold office in Texas to administer an oath. Only a retired judge has the ability to administer an oath after the judge's term has ended. There is a concern that while an incumbent of the office is authorized to administer an oath, a former state officer is unable to administer an oath once the former officer leaves office. This is disrespectful of the office and of the person who previously held office.

H.B. 1285, amending Section 602.002 of the Government Code, authorizes a former secretary of state, a former lieutenant governor, a former speaker of the House of Representatives, a former governor, or a former attorney general to administer an oath in Texas and issue a certificate of the fact.