

LEVEL II PREPARATORY
PRACTICE TESTS

1. What is equal protection?

0% A. Immunity from treating defendants wrongly

0% B. A constitutional guarantee against a second prosecution

100% C. A constitutional guarantee that guarantees that every person enjoys ...

0% D. A general law that guarantees that defendants have a right to be ...

2. What is due process?

0% A. A course of legal proceedings according to rules and principles

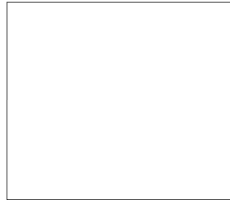
33% B. The law in its regular course of administration through courts of justice

0% C. The exercise of power under safeguards for the protection of individual rights

67% D. All of the above

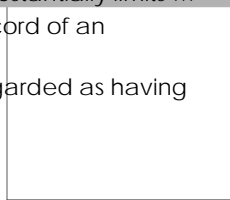
3. What type of immunity do ministerial and administrative duties have?

- 67% A. Absolute
- 33% B. Qualified
- 0% C. Personal
- 0% D. No immunity



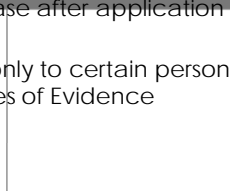
4. Under the American with Disabilities Act (ADA), how is a person with a disability defined?

- 67% A. A person with a physical or mental impairment that substantially limits ...
- 0% B. A person with a record of an impairment
- 0% C. A person who is regarded as having impairment
- 33% D. All of the above



5. When can personal information about jurors be released?

- 0% A. Anytime the public requests
- B. The information is confidential and can never be released
- 67% C. The judge may release after application by a party in the ...
- 33% D. It can be released only to certain persons under the Texas Rules of Evidence
- 0%



6. What is the intent of the Code of Judicial Conduct?

- 100% A. Provide basic standards for judges to establish and maintain high ...
- 0% B. To sanction judges who violate certain ethical standards
- 0% C. To government judges' behavior while conducting trials only
- 0% D. To provide the State with a means of review judges' decisions

7. What happens if a clerk violates a Canon of the Code of Judicial Conduct?

- 0% A. The clerk may be sanctioned by the Commission on Judicial Conduct
- 0% B. The judge may be sanction by the Commission on Judicial Conduct
- 67% C. The clerk may be removed from office by the judge
- 33% D. All of the above

8. When may a judge listen to an ex parte communication?

- 67% A. Uncontested administrative matters
- 0% B. Magistrate duties and functions
- 33% C. Following a plea of nolo contendere or guilty for a fine only offense
- 0% D. All of the above

9. What is affinity?

- 33% A. A degree of relationship by blood
- 67% B. A degree of relationship by marriage
- 0% C. When judges must recuse themselves
- 0% D. All of the above

10. When a court adjudicates a case, it means the court:

- 0% A. Grants deferred disposition
- 100% B. Makes a determination and formal pronouncement of judgment
- 0% C. Asks the defendant for a plea
- 0% D. Finds the defendant indigent

11. What is an affiant?

- 0% A. A person who complains about a neighbor's loud noise
- 0% B. A person who commits an offense
- 100% C. A person who has reason to believe that a person committed an offense and swears to a complaint
- 0% D. All of the above

12. What is municipal court jurisdiction over theft of service?

- 67% A. Less than \$50
- 0% B. Less than \$40
- 0% C. Less than \$30
- 33% D. Less than \$20

13. What must all complaints allege?

- 33% A. A culpable mental state
- 33% B. A specific location
- 0% C. A pecuniary loss
- 33% D. A date of on or about when the offense occurred

14. What is a jurat?

- 33% A. The signature of the affiant swearing and signing the complaint
- 0% B. The certificate of the person administering the oath to the person ...
- 33% C. The certificate of the person certifying that a record is a true and correct ...
- 33% D. None of the above

15. When can a defendant be charged with the offense of failure to appear?

- 67% A. After being summoned to court
- 0% B. After defaulting on payment of fine
- 33% C. After failing to appear after being arrested
- 0% D. All of the above

16. When can a municipal judge take a plea?


- 0% A. When a defendant is issued a citation
- 0% B. When a code enforcement officer investigates a city ordinance violation
- 100% C. When a sworn complaint or a citation has been filed with the court
- 0% D. All of the above

17. A motion to quash means that the defendant is

- 67% A. Asking the court to set aside and dismiss the complaint
- 0% B. Asking the court for permission to amend the complaint
- 0% C. Asking the judge to recuse himself or herself
- 33% D. None of the above

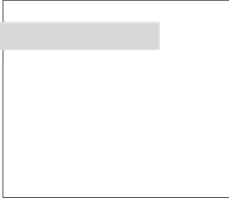
18. Who has authority to request and accept a plea and set fines?

100% A. Judge
0% B. City Council
0% C. Mayor
0% D. All of the above



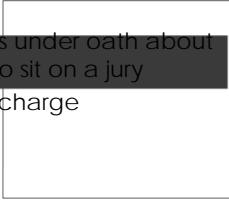
19. When must a judge enter a judgment?

0% A. Payment of fine and costs
0% B. Plea of guilty or nolo contendere
0% C. Finding of guilty
100% D. All of the above



20. What is voir dire?

33% A. A motion stating that the jurors were selected with a bias
0% B. A request for a legal exemption from jury duty
67% C. Questioning of jurors under oath about their qualifications to sit on a jury
0% D. A request for a jury charge



21. What is a challenge to the array?

- 33% A. A request to shuffle jurors
- 0% B. A motion to withdraw request for jury trial
- 33% C. A challenge to the court process
- 33% D. A motion stating that the jurors were selected with a bias

22. When can a prosecutor charge a defendant with the offense of violation of promise to appear?

- 0% A. Anytime a citation has been issued and the defendant fails to appear
- 100% B. When a defendant fails to appear who is charged with Subtitle C, ...
- 0% C. When a defendant has been summoned for a city ordinance ...
- 0% D. All of the above

23. What is the purpose of the Code Construction Act?

- 0% A. Aid in understanding statutes
- 0% B. Provides guidance on construction of words and phrases
- 67% C. Helps courts to ascertain and enforce the legislative intent of statutes
- 33% D. All of the above

24. What is the Rule of the Specific?

- 67% A. If a statute specifically refers to a specific court that rule law applies to ...
- 33% B. If there are two provisions that seem to cover the same topic but one is ...
- 0% C. If a law is passed by the Legislature at a later date, the law last passed controls
- 0% D. All of the above

25. Which statutes contain rules regarding pleas and appearances for municipal court defendants?

- 33% A. Chapter 45 and Article 27.14, C.C.P.
- 33% B. Chapter 4 and Article 49.02, C.C.P.
- 0% C. Chapters 24 and 15
- 33% D. All of the above

26. Which statutes contain rules regarding municipal court appeals?

- 0% A. Chapters 4 and 5
- 33% B. Chapters 19 and 20
- 33% C. Chapters 44 and 45
- 33% D. All of the above

27. When researching Penal Code offenses, with what should the clerk be concerned?

- 0% A. What has been harmed
- 0% B. How much harm has occurred
- 67% C. Definitions of words in the Penal Code
- 33% D. All of the above

28. What is an inchoate offense?

- 0% A. A disorderly conduct offenses
- 0% B. A culpable mental state
- 100% C. An attempted criminal act but the act was not completed
- 0% D. None of the above

29. What is venue?

- 0% A. An ordinance
- 33% B. Location
- 67% C. A state law
- 0% D. A fine-only offense

30. What is the purpose of bail?

- 0% A. Guarantee payment of fine
- 100% B. Guarantee appearance in court
- 0% C. Guarantee case is filed in court
- 0% D. All of the above

31. What is a judgment nisi?

- 0% A. A final judgment in a criminal case
- 0% B. A temporary order of continuance
- 0% C. An affidavit that defendant's name was called outside the courtroom
- 100% D. A temporary order that will become final unless the defendant has good ...

32. When can a surety be released from liability on a bond?

- 33% A. After filing affidavit of intention to surrender principal on the bond
- 0% B. After the warrant of arrest is issued for the principal on the bond
- 33% C. After the surety files an affidavit with the court that the defendant is in custody
- 33% D. All of the above

33. When a defendant who has bail posted with the court fails to answer docket call, what must a court do?

- 33% A. Call the defendant's name distinctly at the courthouse door
- 0% B. Declare a bond forfeiture
- 0% C. Issue a capias for the defendant
- 67% D. All of the above

34. What rules govern bond forfeitures?

- 0% A. The Texas Rules of Civil Procedure
- 100% B. The Texas Rules of Criminal Procedure
- 0% C. The Common Law Right Procedures
- 0% D. None of the above

35. Which of the following offenses does municipal court have jurisdiction over if the defendant is younger than 17 years of age?

- 0% A. Failure to attend school
- 67% B. Public intoxication
- 33% C. Leaving the scene of an accident ...
- 0% D. All of the above

36. What is the definition of a child in Chapter 45 of the *Code of Criminal Procedure*?

- 33% A. A person who is at least age 6 and under the age of 17
- 33% B. A person who is at least age 10 and under the age of 17
- 0% C. A person who is under the age of 17 (no minimum age)
- 33% D. A person who is at least age 13 and under the age of 18

37. What may a court do if an attorney appears in court to represent a child defendant?

- 33% A. Waive the presence of the parents
- 0% B. Waive the presence of the child
- 0% C. Handle the case through the mail
- 67% D. None of the above

38. Who may issue and who may serve a summons for the parents of a juvenile?

- 100% A. A judge issues and a peace officer serves
- 0% B. A clerk may issue and serve
- 0% C. A prosecutor may issue and a clerk may serve
- 0% D. All of the above

39. Which code contains specific handling provisions for defendants under age 17?

- 0% A. The Code of Criminal Procedure
- 67% B. The Alcoholic Beverage Code
- 33% C. The Penal Code
- 0% D. None of the above

40. When is the court required to waive jurisdiction over a juvenile defendant?

- 0% A. When the defendant is charged with possession of drug paraphernalia
- 100% B. When there are two prior convictions for non-traffic offenses
- 0% C. When the defendant has been granted deferred disposition for two ...
- 0% D. All of the above

41. When is the court required to notify the child and parent of the child's right to an expunction?

- 33% A. When the child is charged with penal offenses and the offense of failure ...
- 0% B. When the child is charged with and Alcoholic Beverage Code offense
- 0% C. When the child is charged with a tobacco offense
- 67% D. All of the above

42. What should be included in a sound financial management system?

- 0% A. A means to safeguard assets
- 0% B. A reliable and timely bookkeeping and accounting data, and reports
- 0% C. Efficient operation and adherence to prescribed laws and regulations, ...
- 100% D. All of the above

43. What is the purpose of internal control?

- 33% A. To prevent errors
- 0% B. To require more audits
- 33% C. To safeguard assets and protect people who do their job
- 33% D. All of the above

44. What are the basic principles of internal control?

- 0% A. Separate bank accounts for each fund
- 67% B. Appropriate division of duties; qualified personnel; sound, written procedures
- 33% C. Announced periodic audits
- 0% D. None of the above

45. How should a person who receives a change fund every day handle the change fund?

- 0% A. Make sure the amount is different every day
- 0% B. Use money from the change fund to balance receipts
- 100% C. Sign a receipt for the amount received every day
- 0% D. Make sure the change fund has sufficient money in it for petty cash ...

46. What are the basic guidelines for handling receipts?

- 33% A. A receipt should be issued for each payment
- 0% B. Receipts should periodically be accounted for
- 0% C. Receipts should be signed for by person receiving them
- 67% D. All of the above

47. What is the purpose of a well-managed records management system?

- 33% A. It is essential to administering justice
- 0% B. The purpose is to ensure that juvenile records are kept confidential
- 33% C. It is essential to determining case disposition after trial
- 33% D. The purpose is to determine how to budget money for the court

48. What is records management?

- 33% A. Economical and efficient creation, organization, use, maintenance, and ...
- 0% B. Systematic control of recorded information
- 0% C. Active supervision and control of records
- 67% D. All of the above

49. What are the six stages of a record's cycle?

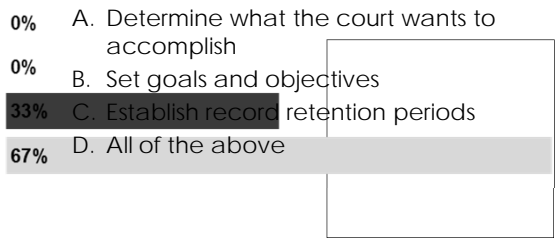
- 0% A. Plan, develop, test, monitor, train personnel, and develop a records manual
- 33% B. Creation, distribution, use, maintenance, storage, disposition
- 67% C. Develop, file, manage, disposition, archive, destroy
- 0% D. None of the above

50. What is a Gantt chart?

- 0% A. A chart used to develop the six stages of a record's cycle
- 0% B. A chart used to follow the active stage of a case
- 67% C. A chart used to show planned times for tasks and actual dates of completion ...
- 33% D. A chart used to decide the goals of a records management program

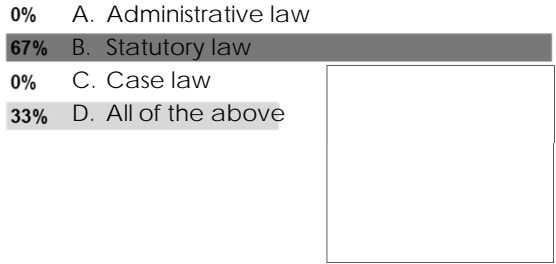
51. What do the steps to develop a records management program include?

- 0% A. Determine what the court wants to accomplish
- 0% B. Set goals and objectives
- 33% C. Establish record retention periods
- 67% D. All of the above



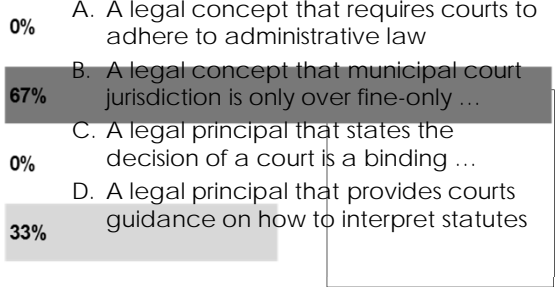
52. Which of the following types of law affect municipal court?

- 0% A. Administrative law
- 67% B. Statutory law
- 0% C. Case law
- 33% D. All of the above




53. What is stare decisis?

- 0% A. A legal concept that requires courts to adhere to administrative law
- 67% B. A legal concept that municipal court jurisdiction is only over fine-only ...
- 0% C. A legal principal that states the decision of a court is a binding ...
- 33% D. A legal principal that provides courts guidance on how to interpret statutes




54. What is ratio decidendi?

- 33% A. It is the holding or the principle of law on which a case is decided
- 33% B. It is a legal principle that allows for Texas to have a bi-furcated high court
- 33% C. It is the idea that courts are able to make decision about the law
- 0% D. All of the above




55. The court of last resort in Texas that hears criminal appeals is called?

- 0% A. County court at law
- 0% B. Texas Supreme Court
- 100% C. Texas Court of Criminal Appeals
- 0% D. None of the above



56. Rules created by agencies such as the Department of Public Safety and the Texas Parks and Wildlife Commission are which type of law?

- 0% A. Statutory
- 0% B. Case
- 100% C. Administrative
- 0% D. None of the above



57. Which of the following is defined as any published source of law that sets forth rules, legal doctrine or that can be used as a basis for legal decisions?

- 67% A. Legal authority
- 33% B. Case law
- 0% C. Legal research
- 0% D. All of the above

58. Which of the following abbreviations identifies that the court case is from Texas?

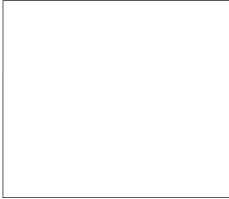
- 0% A. L.Ed.2d
- 0% B. S.W.3d
- 0% C. S.Ct.
- 100% D. All of the above

59. The Name Tag Rule states that:

- 33% A. When two laws conflict, the most recent passed prevails
- 33% B. Title headings do not limit or expand a sections meaning
- 33% C. If a statute clearly identifies the court to which it applies, then it applies to that...
- 0% D. None of the above


60. What is the common term for a proposed law?

- 67% A. Bill
- 0% B. Session laws
- 0% C. Committee report
- 33% D. None of the above



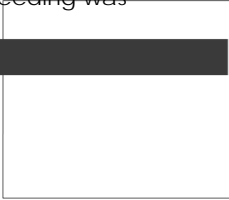
61. When amending a bill, which of the following indicates that language is to be deleted or changed?

- 0% A. Underlining
- 100% B. Strike-thru
- 0% C. Bolding
- 0% D. All of the above




62. What does In Re mean when used in a case title or case name?

- 0% A. That there were no adversary parties
- 33% B. That a special proceeding was involved
- 67% C. In lieu of
- 0% D. All of the above



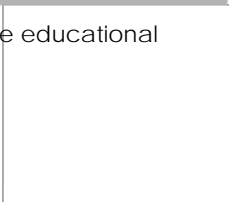
63. Which of the following types of opinions disagrees with the results and the reasoning of the majority?

- 0% A. Plurality
- 0% B. Majority
- 100% C. Dissenting
- 0% D. None of the above




64. Who is authorized by statute to request an attorney general opinion?

- 67% A. The chairman of the governing board of a river authority
- 0% B. The regent of a state educational institution
- 0% C. The Governor
- 33% D. All of the above



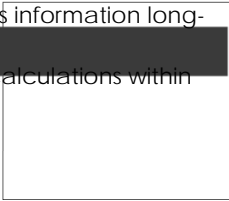
65. How are bound copies of law are updated?

- 0% A. Pocket parts
- 67% B. Statute attachments
- 0% C. Slip opinions
- 33% D. All of the above




66. The hard drive or hard disk *within* a computer is a:

- 0% A. Chip that stores data only for processing
- 33% B. External storage data
- 67% C. Fixed disk that stores information long-term
- 0% D. Disk that performs calculations within the computer



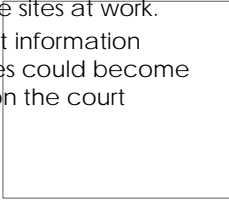
67. Which of the following is defined as a data disks?

- 67% A. CD-ROM
- 0% B. DVD-ROM
- 33% C. DVD-RW
- 0% D. All of the above



68. When using social media sites, the court clerk :

- 0% A. Is not bound by the same ethical concerns that the judge has to follow.
- 100% B. Has taken proper precautions if he or she does not use the sites at work.
- 0% C. Must be aware that information posted on these sites could become public and reflect on the court
- 0% D. All of the above.



69. Which of the following is true about chat sites?

- 0% A. They forward electronic mail
- 0% B. They transfer files between downloading computers
- 0% C. They send electronic mail messages to everyone on the list
- 100% D. They allow users to talk in real-time

70. In order to access a website, the user must know the website address, a set of letters or words. A website address in its true state is a set of numbers and dots. What are the numbers and dots commonly called?

- 100% A. IP Address
- 0% B. Domain name server
- 0% C. Hyperlink
- 0% D. All of the above

71. Which of the following e-mail formats is the standard suggested by the Judicial Committee on Information Technology (JCIT)?

- 0% A. courtclerk@(courtname).ci.(cityname).tx.us
- 0% B. tellittothejudge@(courtname).ci.(cityname).tx.us
- 100% C. (username)@(courtname).ci.(cityname).tx.us
- 0% D. (username)@ (courtname).ci.(cityname).edu

72. Which of the following should a case management software do (at a minimum)?

- 0% A. Allow court to monitor cases as they move through the system
- 0% B. Allow for financial reports to be pulled
- 0% C. Allow for complaints, courtesy letters, and jury notices to be processed
- 100% D. All of the above

73. What company provides the payment option "Quick Collect?"


- 67% A. Western Union
- 33% B. Department of Public Safety
- 0% C. OmniBase
- 0% D. All of the above

74. A system that allows the public to obtain information about their case status by dialing a local phone number is called a:

- 100% A. Interactive Voice Responder System
- 0% B. Fax-on-demand System
- 0% C. Kiosks
- 0% D. All of the above


75. What is the study of the way the body moves and works most efficiently and safely?

- 0% A. Recess
- 100%** B. Ergonomics
- 0% C. Labor day
- 0% D. All of the above



76. What does the term "download" refer to?

- 0% A. To start up a computer
- 100%** B. To transfer to your computer a copy of a files that resides on another computer
- 0% C. Security measures designed to protect a network
- 0% D. None of the above



77. A scanner is a:

- 0% A. The communications port to which a serial device can be attached
- 0% B. A computer program that modifies how certain aspects of the computer work
- 100%** C. A device that transfers printed documents into a digital file
- 0% D. None of the above

