

**CITATIONS AND
COMPLAINTS**

TMCEC Court Administrators
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OVERVIEW

- I. Citations
 - A. Authority to Issue Citations
 - B. Arrest Authority and Limitations
 - C. Citation Requirements
 - D. Consequences of Not Following the Law When Issuing Citations
- II. Complaints
 - A. Basics of Complaints
 - B. Complaint Requirements
 - C. Complaint Defects

I. CITATIONS

- General Rule: To charge a person with a crime, the officer arrests the person and takes them before a magistrate within 48 hours.**
Tex. Code of Crim. Proc. (CCP) art. 14.01(b), 14.06(a)
- A citation is a substitute for an arrest. It is an "arrest and release."**
CCP art. 14.06(b); Tex. Transp. Code (TC) §§ 543.003-005
- Also called "written notice (to appear)."**
See e.g. CCP art. 14.06(b), 27.14(d); TC §§ 543.003-004

A. Authority to Issue Citations

- **General Rule:** Peace officers have the authority to issue citations.

CCP art. 14.06(b), 2.12(3); TC §§ 543.003, 541.002(4)

- **Some Exceptions:**

- City can designate non-peace officers to enforce disabled parking violations. TC § 681.010(a)
- City charters or ordinances may designate non-peace officers to enforce city ordinance violations.

B. Arrest Authority and Limitations

- **General Rule:**

- Peace officers can arrest a person for any offense committed in their presence or view. CCP art. 14.01(b)
- Peace officers can arrest a person found committing any offense under TC chapters 541-600, *Rules of the Road* (ROTR). TC § 543.001



Exceptions – Citation Only

- Peace officers must issue a citation (and cannot arrest) a person for *Speeding or Open Container* if the person makes a written promise to appear by signing the citation. TC §§ 543.004-005, 545.351; Tex. Penal Code (PC) § 49.03



Exceptions – Must Arrest

☐ Peace officers **must arrest** (and cannot just issue a citation to) a person for *Public Intoxication*. However, in lieu of arrest, officer may release the person to another adult who agrees to take responsibility for the person.
CCP arts. 14.03(a)(1), 14.06(b), 14.031(a), (b); PC § 49.02

☐ For *ROTR* offenses, peace officers **must arrest and immediately take before a magistrate** (and cannot just issue a citation to) a person who:

1. demands to see a magistrate, or
2. refuses to make a written promise to appear.

TC § 543.002(a)(2)



C. Citation Requirements

☐ General citation requirements:

1. Person's name and address;
2. Offense charged;
3. Time and place to appear in court (at least 10 days later for *ROTR* offenses); and
4. License plate of vehicle, if applicable (for *ROTR* offenses, only).

CCP art. 14.06(b); TC §§ 543.003, -006



Other Requirements

1. Family violence conviction warnings. CCP art. 14.06(b)
2. Information for racial profiling data report. CCP art. 2.132
3. For offenses where a driver safety course is permitted, a notice of the right to take such course. CCP art. 45.0511(q)
4. For citations to juveniles, notice of parent's obligation to keep the court informed of the child's current address. CCP art. 45.057(h)
5. For offenses when operating a vehicle on a highway, information required for commercial motor vehicle (CMV) and commercial driver's license (CDL) holders. TC § 543.007; 37 Tex. Admin. Code § 16.100
6. For *Speeding* offenses, the alleged speed and posted speed limit. TC § 543.010

Other Requirements [continued]

7. For *Fail to Maintain Financial Responsibility (FMFR)* offenses, warning of driver license suspension upon conviction. TC § 601.223(a)
8. For traffic offenses, warning that vehicle registration may be denied renewal for failing to appear at court or failing to pay a fine, under the Department of Transportation "Scofflaw" program. TC § 702.004
9. For traffic offenses, warning of potential driver's license suspension for failing to appear at court or failing to pay a fine, under the Department of Public Safety "OmniBase" program. TC § 706.003
10. For traffic offenses, warning of potential surcharges upon traffic law conviction. TC § 708.105(a)

D. Consequences of Not Following the Law When Issuing Citations

- Defendant must get a legible duplicate copy of citation. Do NOT alter citations once defendant has their copy. CCP art. 27.14(d)
- Altering a citation could be considered "Tampering with a Government Record." PC § 37.10
- For ROTR offenses, an officer's violation of TC §§ 543.003 - 007 is misconduct in office and grounds for removal from officer's position. TC § 543.008



Recap of TC §§ 543.003 - 007

- **543.003:** When person not taken to magistrate, citation must be issued using the proper procedure and with all the correct information.
- **543.004:** No arrest for *Speeding* or *Open Container* if person makes written promise to appear.
- **543.005:** Release person upon their making a written promise to appear.
- **543.006:** Time to appear in court must be at least 10 days later.
- **543.007:** required information on citation for violations involving CMVs or CDL holders.

II. COMPLAINTS – A. Basics

□ What is a complaint?

- In municipal court, a complaint is a sworn allegation charging the defendant with a Class C misdemeanor offense. CCP arts. 45.018(a), -001
- Different than probable cause affidavit complaint as a prerequisite to a warrant. CCP arts. 15.05, 23.04



Filing the Complaint

□ When must a complaint be filed?

- When defendant pleads Not Guilty or fails to appear in court.
- Complaint not needed upon initial filing of citation because the citation serves as the first complaint to which defendant may enter a plea. CCP art. 27.14(d)

Notice of a Complaint

- Defendant is entitled to notice of the complaint, at least one day before any proceeding, but he may waive that notice. CCP art. 45.018(b)
- For Class A and B misdemeanors, it is not necessary to furnish the defendant with a copy of the indictment or information before trial, but upon demand, a copy shall be provided as early as possible. CCP art. 25.04

B. Requirements of Complaints

1. be in writing;
2. commence "In the name and by the authority of the State of Texas";
3. state the name of the accused, if known, or if unknown, include a reasonably definite description of the accused;

CCP art. 45.019(a)(1) - (3)

4. show that the accused has committed an offense against the law of this state, or state that the affiant has good reason to believe and does believe that the accused has committed an offense against the law of this state;
5. state the date the offense was committed as definitely as the affiant is able to provide.

CCP art. 45.019(a)(4) - (5)

6. bear the signature or mark of the "affiant," i.e. person swearing to the complaint. CCP art. 45.019(a)(6)
 - ❑ Affiant not required to have firsthand knowledge.
 - ❑ Affiant may obtain knowledge by reviewing police report.
 - ❑ Affiant not required to be issuing officer.

Rose v. State, 799 S.W.2d 381, 384 (Tex. App.—Dallas 1990), citing *Pringle v. State*, 732 S.W.2d 363, 368 (Tex. App.—Dallas 1987); *Wells v. State*, 516 S.W.2d 663, 664 (Tex. Crim. App. 1974); & *Coyle v. State*, 775 S.W.2d 843, 845 (Tex. App.—Dallas 1989)

7. **The "Jurat."** In municipal court, a complaint may be sworn before: municipal judge, the clerk of the court or a deputy clerk, the city secretary, or the city attorney or a deputy city attorney.
CCP art. 45.019(e)



8. **conclude with the words "Against the peace and dignity of the State" and, if the offense charged is an offense only under a municipal ordinance, it may also conclude with the words "Contrary to the said ordinance."** CCP art. 45.019(a)(7)

9. **allege that the offense was committed in the territorial limits of the municipality in which the complaint is made.** CCP art. 45.019(c)

10. **bear the municipal court's seal.** CCP art. 45.012(g)

11. **For Speeding charges, specify the applicable maximum or minimum speed and the alleged speed.** TC § 543.010

12. **list out all elements of the offense.**
Villarreal v. State, 729 S.W.2d 348, 349 (Tex. App.—El Paso 1987),
citing Toliver v. State, 254 S.W.2d 388 (Tex. Crim. App. 1953)

□ **Elements of an offense ...**


1. The **forbidden conduct**;
2. The required **culpability**, if any;
 ■ *also see* PC §§ 6.02-6.03
3. Any **required result**; and
4. The **negation of any exception** to the offense.
 ■ *also see* PC § 2.02

PC § 1.07(a)(22)

Culpable Mental State (CMS)

□ **General Rule:** if the definition of an offense does not prescribe a CMS, one is still required, unless the definition of the offense dispenses with the CMS. PC § 6.02(b)

□ **Key Exception to the Rule:** many Transportation Code offenses, City ordinance violations, and other Class C misdemeanors in general may be strict liability offenses without a CMS, even though the law is silent about a CMS. *Honeycutt v. State*, 627 S.W.2d 417, 424 n. 4 (Tex. Crim. App. 1981) & *Aguirre v. State*, 22 S.W.3d 463, 472 (Tex. Crim. App. 1999).



Exceptions, Defenses & Affirmative Defenses

□ **Prosecution must plead and negate all exceptions in the complaint.** PC § 2.02(b)

□ **Prosecution is not required to plead and negate defenses or affirmative defenses.** PC §§ 2.03(b), 2.04(b)

□ **An exception is not really an exception unless:**

1. labeled "It is an exception to the application of..."
 PC § 2.02(a); **AND**
2. set out in the same section as the one defining the offense,
Hicks v. State, 18 S.W.3d 743 (Tex. App.—San Antonio 2000), *citing*
Bragg v. State, 740 S.W.2d 574 (Tex. App.—Houston [1st Dist.] 1987).

□ **"A ground of defense in a penal law that is not plainly labeled in accordance with this chapter has the procedural and evidentiary consequences of a defense."**
 PC § 2.03(e)

EXAMPLE: FMFR (TC § 601.051, -052)

TC § 601.051. REQUIREMENT OF FINANCIAL RESPONSIBILITY.
A person may not operate a motor vehicle in this state unless financial responsibility is established for that vehicle through:

- (1) a motor vehicle liability insurance policy that complies with Subchapter D;
- (2) a surety bond filed under Section 601.121;
- (3) a deposit under Section 601.122;
- (4) a deposit under Section 601.123; or
- (5) self-insurance under Section 601.124.



EXAMPLE: FMFR (TC § 601.051, -052)

TC § 601.052. EXCEPTIONS TO FINANCIAL RESPONSIBILITY REQUIREMENT. (a) Section 601.051 does not apply to:

- (1) the operation of a motor vehicle that:
 - (A) is a former military vehicle or is at least 25 years old;
 - (B) is used only for exhibitions, club activities, parades, and other functions of public interest and not for regular transportation; and
 - (C) for which the owner files with the department an affidavit, signed by the owner, stating that the vehicle is a collector's item and used only as described by Paragraph (B);
 - (2) the operation of a golf cart that is operated only as authorized by Section 551.403; or
 - (3) a volunteer fire department for the operation of a motor vehicle the title of which is held in the name of a volunteer fire department.
- ...

EXAMPLE: Exceptions or Defenses?

- 1. **Offense and "Exceptions" laid out in same section?**
 - No – offense in § 601.051; "exception" in § 601.052
- 2. **Exception language, PC § 2.02(a), used?**
 - "It is an exception to the application of ..."
 - No – "Section 601.051 does not apply to ..."

- TC § 601.052 provisions are likely defenses.**
also, see PC § 2.03(e)

EXAMPLE: Exceptions or Defenses?

- Also see e.g. Speeding emergency “exceptions” (defenses) in TC § 545.365(a): authorized emergency vehicle, police patrol, or physician or ambulance responding to an emergency call.
- Offense provision in TC 545.351, et seq.
- Exception language, PC § 2.02(a), not used
- Case Law
 - *Ellis v. State*, 2000 WL 5200 (Tex. App.—Dallas Jan. 6, 2000)
 - *McClain v. State*, 1997 WL 312309 (Tex. App.—Houston [14th Dist.] June 12, 1997)
- Emergency “exceptions” are really defenses.

Probable Cause Affidavit Complaints

- Probable cause affidavit complaints are required to show that there is probable cause of the crime, so the judge will issue a warrant or capias. CCP arts. 23.04, 15.04
- **Requirements (CCP art. 15.05):**
 1. Name of the accused, or a description of him;
 2. That the accused committed an offense or that the affiant has good reason to believe and does believe that the accused committed such offense;
 3. Time and place of the commission of the offense;
 4. Signed by the affiant.
- For probable cause affidavit complaints, peace officers can swear to each other, or before any officer authorized to administer oaths. CCP art. 45.019(d), Gov't Code § 602.002(17)

C. Complaint Defects

1. Complaint Defect Basics
2. Three Important Things to Remember About Complaint Defects

1. Complaint Defect Basics

- **What is a complaint defect?**
 - A. **Something that's NOT in the complaint that's supposed to be there; or**
 - B. **Something that's in the complaint that's NOT supposed to be there**

- **Some can be fatal, but others can be ignored.**



Motions to Quash

- **Defendant may object to a purported problem with the complaint through a "Motion to Quash (or Set Aside) the Complaint."**
- **If Defendant succeeds in quashing the complaint, upon a timely objection, the case is NOT over. The State can re-file a corrected complaint and proceed.**
- **If the Prosecution notices a complaint defect, the Prosecution can make its own "Motion to Quash," then amend and re-file the complaint, thus replacing the prior complaint. Cannon v. State, 925 S.W.2d 126, 127-128 (Tex. App.—Amarillo 1996)**

2. Three Important Things to Remember about Complaint Defects

- A. **Generally, any "defects" on the citation can be corrected when drafting the complaint because the complaint replaces the citation (the 1st complaint). CCP art. 27.14(d)**
- B. **If Defendant does not object to a defect, irregularity or error in the complaint before the date on which trial commences, he waives and forfeits his right to object. Court may require an earlier deadline. CCP 45.019(f)**
- C. **Variances: Material (fatal) vs. Immaterial (non-fatal) Gollihar v. State, 46 S.W.3d 243 (Tex. Crim. App. 2001)**

Variations

- **Variance** = there is a discrepancy between what is alleged in the complaint and what is proved at trial. The State has proven Defendant is guilty of a crime, but has proven its commission differently than how it was alleged in the complaint.

Gallihar, 46 S.W.3d at 246, citing 42 George E. Dix & Robert O. Dawson, Texas Practice, Criminal Practice and Procedure § 31.81 at 178 (1995).

Variations [continued]

- Immaterial variations can be remedied by a hypothetically correct jury charge.
- A variance between the wording of [the charging instrument] and the evidence presented at trial is fatal only if "it is material and prejudices [the defendant's] substantial rights."

Gallihar, 46 S.W.3d at 256-257

Two-Prong Test for Material Variations

1. whether the [charging instrument], as written, informed the defendant of the charge against him sufficiently to allow him to prepare an adequate defense at trial, and
2. whether prosecution under the deficiently drafted [charging instrument] would subject the defendant to the risk of being prosecuted later for the same crime.

Gallihar, 46 S.W.3d at 256-257

QUESTIONS?

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CITATIONS & COMPLAINTS

I. CITATIONS

- **General Rule:** To charge a person with a crime, the officer arrests the person and takes them before a magistrate within 48 hours.
CCP art. 14.01(b), 14.06(a)
- A citation is a substitute for an arrest. It is an “arrest and release.”
CCP art. 14.06(b); TC §§ 543.003-005
- Also called “written notice (to appear).”
See e.g. CCP art. 14.06(b), 27.14(d);
TC §§ 543.003-004

A. Authority to Issue Citations

- **General Rule:** Peace officers have the authority to issue citations. CCP art. 14.06(b), 2.12(3);
TC §§ 543.003, 541.002(4)
- **Some Exceptions:**
 - City can designate non-peace officers to enforce disabled parking violations.
TC § 681.010(a)
 - City charters or ordinances may designate non-peace officers to enforce city ordinance violations.

B. Arrest Authority and Limitations

- **General Rule:**
 - Peace officers can arrest a person for any offense committed in their presence or view.
CCP art. 14.01(b)
 - Peace officers can arrest a person found committing any offense under TC chapters 541-600, *Rules of the Road*. TC § 543.001
- **Exceptions:**
 - Peace officers must issue a citation (and cannot arrest) a person for *Speeding* or *Open Container* if the person makes a written promise to appear by signing the citation.
TC §§ 543.004-005
 - Peace officers must arrest (and cannot just issue a citation to) a person for *Public Intoxication*, but officer may release to another adult. CCP arts. 14.03(a)(1), 14.031, 14.06(b)
 - For *ROTR* offenses, peace officers must arrest and immediately take before a magistrate (and cannot just issue a citation to) a person who:
 - demands to see a magistrate, or
 - refuses to make a written promise to appear. TC § 543.002(a)(2)

- **Citation Requirements - General Requirements:**

1. Person’s name and address;
2. Offense charged;
3. Time and place to appear in court (10 days later, for *ROTR* offenses); and
4. Vehicle license plate, if applicable (*ROTR* offenses)
CCP art. 14.06(b); TC §§ 543.003, -006

- **Other Citation Requirements:**

1. Family violence conviction warnings.
CCP art. 14.06(b)
2. Information for racial profiling data report.
CCP art. 2.132
3. For offenses where a driver safety course is permitted, a notice of the right to take such course.
CCP art. 45.0511(q)
4. For citations to juveniles, notice of parent’s obligation to keep the court informed of the child’s current address. CCP art. 45.057(h)
5. For offenses when operating a vehicle on a highway, information required for CMV and CDL holders.
TC § 543.007; 37 Tex. Admin. Code § 16.100
6. For *Speeding* offenses, the alleged speed and posted speed limit. TC § 543.010
7. For *Fail to Maintain Financial Responsibility* offenses, warning of driver license suspension upon conviction. TC § 601.223(a)
8. For traffic offenses, warning that vehicle registration may be denied renewal for failing to appear at court, under the Department of Transportation “Scofflaw” program.
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9. For traffic offenses, warning of potential driver’s license suspension for failing to appear at court or satisfy a judgment, under the Department of Public Safety “OmniBase” program. TC § 706.003
10. For traffic offenses, warning of potential surcharges upon traffic law conviction. TC § 708.105(a)

C. Consequences of Not Following the Law When Issuing Citations

- Defendant must be given a legible duplicate copy of citation. Do NOT alter citations once defendant has their copy. CCP art. 27.14(d)
 - Altering a citation could be “Tampering with a Government Record.” PC § 37.10
- For *ROTR* offenses, an officer’s violation of TC §§ 543.003 - 007 is misconduct in office and grounds for removal from officer’s position. TC § 543.008
 - 543.003: When person not taken to magistrate, citation must be issued using the proper procedure and with all the correct information.
 - 543.004: No arrest for *Speeding* or *Open Container* if person makes written promise to appear.
 - 543.005: Release person upon their making a written promise to appear.
 - 543.006: Time to appear in court must be at least 10 days later.
 - 543.007: required information on citation for violations involving CMVs or CDL holders.

CDL = commercial driver license; CMS = culpable mental state;
CCP = Code of Crim. Proc.; PC = Penal Code;

CMV = commercial motor vehicle;
ROTR = Rules of the Road; TC = Transp. Code

CITATIONS & COMPLAINTS

II. COMPLAINTS

A. Basics of Complaints

- In municipal court, a complaint is a sworn allegation charging the defendant with the offense. CCP art. 45.018(a), -001
- Different than probable cause affidavit complaint as a prerequisite to a warrant. CCP art. 15.05, 23.04
- **When must a complaint be filed?**
 - When defendant pleads Not Guilty or fails to appear in court.
 - Complaint not needed upon initial filing of citation because the citation serves as the first complaint to which defendant may enter a plea. CCP art. 27.14(d)
- **Notice of Complaint**
 - Defendant is entitled to notice of the complaint, at least one day before any proceeding, but he may waive that notice. CCP art. 45.018(b)
 - For Class A and B misdemeanors, it is not necessary to furnish the defendant with a copy of the indictment or information before trial, but upon demand, a copy shall be provided as early as possible. CCP art. 25.04

B. Complaint Requirements [See CCP art. 45.019(a) and other statutes as referenced]

1. be in writing.
2. commence "In the name and by the authority of the State of Texas."
3. state the name of the accused, if known, or if unknown, include a reasonably definite description of the accused.
4. show that the accused has committed an offense against the law of this state, or state that the affiant has good reason to believe and does believe that the accused has committed an offense against the law of this state.
5. state the date the offense was committed as definitely as the affiant is able to provide.
6. bear the signature or mark of the "affiant," i.e. person swearing to the complaint.
7. The *Jurat*. In municipal court, a complaint may be sworn before municipal judge, the clerk of the court or a deputy clerk, the city secretary, or the city attorney or a deputy city attorney. CCP 45.019(e).
8. conclude with the words "Against the peace and dignity of the State."
9. allege that the offense was committed in the territorial limits of the municipality in which the complaint is made. CCP 45.019(c).
10. bear municipal court's seal. CCP 45.012(g).
11. For *Speeding* charges, specify the applicable maximum or minimum speed and the alleged speed. Transp. Code § 543.010.

12. list out all elements of the offense:
 - a) the forbidden conduct;
 - b) the required culpability, if any;
 - c) any required result; and
 - d) the negation of any exception to the offense. PC § 1.07(a)(22).

- **Culpable Mental State**

- **General Rule:** if the definition of an offense does not prescribe a CMS, one is still required, unless the definition of the offense dispenses with the CMS. PC § 6.02(b).
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- Prosecution must plead and negate all exceptions in the complaint. PC § 2.02(b).
- Prosecution is not required to plead and negate defenses or affirmative defenses. PC §§ 2.03(b), 2.04(b).
- An exception is not really an exception unless:
 1. labeled "It is an exception to the application of..." PC § 2.02(a); AND
 2. set out in the same section as the one defining the offense, *Hicks v. State*, 18 S.W.3d 743 (Tex. App.—San Antonio 2000).
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- Probable cause affidavit complaints are required to show that there is probable cause of the crime, so the judge will issue a warrant or capias. CCP arts. 23.04, 15.04
- **Requirements (CCP art. 15.05):**
 1. Name of the accused, or a description of him;
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- For probable cause affidavit complaints, peace officers can swear to each other, or before any officer authorized to administer oaths. CCP art. 45.019(d), Gov't Code § 602.002(17)

CDL = commercial driver license; CMS = culpable mental state;
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CMV = commercial motor vehicle;
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CITATIONS & COMPLAINTS

C. Complaint Defects

1. Complaint Defect Basics

- What is a Complaint Defect?
 - A. Something that's NOT in the complaint that's supposed to be there; or
 - B. Something that's in the complaint that's NOT supposed to be there

- Motions to Quash
 - Defendant may object to a purported problem with the complaint through a "Motion to Quash (or Set Aside) the Complaint."
 - If Defendant succeeds in quashing the complaint, upon a timely objection, the case is NOT over. The State can re-file a corrected complaint and proceed.
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Cannon v. State, 925 S.W.2d 126, 127-128 (Tex. App.—Amarillo 1996).

2. Three Important Things to Remember about Complaint Defects

- A. Generally, any "defects" on the citation can be corrected when drafting the complaint because the complaint replaces the citation (the 1st complaint). CCP art. 27.14(d).
- B. If Defendant does not object to a defect, irregularity or error in the complaint before the date on which trial commences, he waives and forfeits his right to object. Court may require an earlier deadline. CCP art. 45.019(f).

C. Variances: Material (fatal) vs. Immaterial (non-fatal), *Gollihar v. State*, 46 S.W.3d 243 (Tex. Crim. App. 2001).

- Variance = there is a discrepancy between what is alleged in the complaint and what is proved at trial. The State has proven Defendant is guilty of a crime, but has proven its commission differently than how it was alleged in the complaint. *Gollihar*, 46 S.W.3d at 246.
- Immaterial variances can be remedied by a hypothetically correct jury charge.
- A variance between the wording of [the charging instrument] and the evidence presented at trial is fatal only if "it is material and prejudices [the defendant's] substantial rights."
Gollihar, 46 S.W.3d at 256-257

- Two-Prong Test for Material Variances
 1. whether the charging instrument, as written, informed the defendant of the charge against him sufficiently to allow him to prepare an adequate defense at trial, and
 2. whether prosecution under the deficiently drafted [charging instrument] would subject the defendant to the risk of being prosecuted later for the same crime.
Gollihar, 46 S.W.3d at 256-257.

What does the law require be printed on a citation?

1. **Transportation Code § 543.003. GENERALLY.** A written notice to appear in court must contain:
 - a) The time (must be at least 10 days after the date of arrest unless the person arrested demands an earlier hearing) and place (must be before a magistrate having jurisdiction of the offense who is in the municipality or county in which the offense is alleged to have been committed) the person is to appear (see § 543.006)
 - b) The offense charged
 - c) The name and address of the person charged
 - d) If applicable, the license number of the person's vehicle
2. **Code of Criminal Procedure Art. 14.06. GENERALLY.** A citation must contain:
 - a) Written notice of the time and place the person must appear before a magistrate
 - b) Name and address of the person charged
 - c) The offense charged
 - d) The following in boldfaced or underlined type or in all caps: "If you are convicted of a misdemeanor offense involving violence where you are or were a spouse, intimate partner, parent, or guardian of the victim or are or were involved in another, similar relationship with the victim, it may be unlawful for you to possess or purchase a firearm, including a handgun or long gun, or ammunition, pursuant to federal law under 18 U.S.C. Section 922(g)(9) or Section 46.04(b), Texas Penal Code. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney."
3. **Transportation Code § 543.010. SPECIFICATIONS OF SPEEDING CHARGE.** The complaint and the summons or notice to appear on a charge of speeding must specify:
 - a) the maximum or minimum speed limit applicable in the district or at the location; and
 - b) the speed at which the defendant is alleged to have driven.
4. **Transportation Code § 601.233. FMFR: NOTICE OF POTENTIAL SUSPENSION.** A citation for an offense of failure to maintain financial responsibility must include, in type larger than other type on the citation, except for the type of the statement required by Section 708.105: "A second or subsequent conviction of an offense under the Texas Motor Vehicle Safety Responsibility Act will result in the suspension of your driver's license and motor vehicle registration unless you file and maintain evidence of financial responsibility with the Department of Public Safety for two years from the date of conviction. The department may waive the requirement to file evidence of financial responsibility if you file satisfactory evidence with the department showing that at the time this citation was issued, the vehicle was covered by a motor vehicle liability insurance policy or that you were otherwise exempt from the requirements to provide evidence of financial responsibility."
5. **Transportation Code § 543.007. NOTICE TO APPEAR: COMMERCIAL VEHICLE OR LICENSE.** A notice to appear issued to the operator of a commercial motor vehicle or holder of a commercial driver's license or commercial driver learner's permit, for a violation of a law regulating the operation of vehicles on highways, must contain:
 - a) Information required to comply with Chapter 522, Transportation Code, and the Federal Commercial Motor Vehicle Safety Act of 1986 (Title 49, U.S.C. Section 31302).
 - b) The proposition that a citation issued to a CDL holder must contain the social security number of the driver is widely accepted but not expressly stated in federal or state law. Section 31308(4)(B) of the Federal Commercial Motor Vehicle Act of 1986 requires that the license contain the social security number or other number that the Secretary of Transportation determines is necessary to identify the driver.
 - c) Section 543.201 of the Transportation Code requires courts to keep records reflecting that a person is charged with a law violation relating to the operation of a motor vehicle on a highway.
 - d) Section 543.202 states "the record must be made on a form or by a data processing method acceptable to the department and must include, among other things, the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver's learning permit."
 - e) Since CDL holders are not required to make an appearance in court, and because such information is still manually reported by court to DPS via the citation, the only way this information is guaranteed to be obtained is if it is collected by a peace officer at the time the citation is issued.

6. **Transportation Code § 702.004(b). TXDOT REGISTRATION SUSPENSION CONTRACT FOR ENFORCEMENT OF CERTAIN ARREST WARRANTS.** For a city contracting with TxDot in the Scofflaw Program, the citation must include a warning that states that if the person fails to appear in court as provided by law for the prosecution of the offense or fails to pay a fine for the violation, the person might not be permitted to register a motor vehicle in this state.
7. **Transportation Code § 706.003. DPS FAILURE TO APPEAR PROGRAM CONTRACT FOR ENFORCEMENT OF CERTAIN ARREST WARRANTS.** For a city participating in the OmniBase program, the citation must include a warning that states that if the person fails to appear in court as provided by law for the prosecution of the offense or if the person fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner ordered by the court, the person may be denied renewal of the person's driver's license.
8. **Transportation Code § 708.105. NOTICE OF POTENTIAL SURCHARGE.** A citation issued for an offense under a state or local traffic law must include, in type larger than any other type on the citation: “A conviction of an offense under a traffic law of this state or a political subdivision of this state may result in the assessment on your driver's license of a surcharge under the Driver Responsibility Program.”
9. **Code of Criminal Procedure Art. 2.132. DATA FOR RACIAL PROFILING.** Each law enforcement agency must adopt a detailed written policy on racial profiling. This, in part, requires collection of information relating to traffic stops in which a citation is issued and arrests resulting from those traffic stops, including information relating to:
 - a) the race and ethnicity of the individual detained;
 - b) whether a search was conducted and, if so, whether the person detained consented to the search; and
 - c) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual
 - d) The data is submitted to the local governing body as part of an annual report on racial profiling.
10. **Code of Criminal Procedure Art. 45.0511(q). RIGHT TO A DRIVERS SAFETY OR MOTORCYCLE OPERATORS COURSE.** A defendant charged with an offense eligible for DSC or MOC must receive the following notice on the citation: “You may be able to require that this charge be dismissed by successfully completing a driving safety course or a motorcycle operator training course. You will lose that right if, on or before your appearance date, you do not provide the court with notice of your request to take the course.”
11. **Code of Criminal Procedure Art. 45.057(h). ADDRESS OBLIGATION.** A child and/or parent must keep the court informed of the child's current address. For the obligation to become effective, notice must be provided to the child, parent, or both. One of the three ways that a person may be placed under such an obligation is by being provided with a copy of the language of the statute at the time they are issued a citation.
12. **Title 37, Texas Administrative Code § 16.100. ADMINISTRATIVE RULE FOR COMMERCIAL DRIVER'S LICENSE-HOLDERS.** A traffic citation issued to a person driving a commercial motor vehicle, or who is the holder of a commercial driver's license or commercial driver's learner's permit, for a violation of any law regulating the operation of vehicles on highways, must be on a form that contains:
 - a) the name, address, physical description, and date of birth of the party charged;
 - b) the number, if any, of the person's driver's license;
 - c) the registration number of the vehicle involved;
 - d) whether the vehicle was a CMV as defined in Texas Transportation Code, Chapter 522;
 - e) whether the vehicle was involved in the transporting of hazardous materials; and
 - f) the date and nature of the offense, including whether the offense was a serious traffic violation as defined in Texas Transportation Code, Chapter 522.