

Court Costs and Administrative Issues

Presented by
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HB 1267

- **New Court Cost - \$2**
 - Section 133.107, L.G.C.
 - Effective on offenses committed on or after January 1, 2008
 - Except parking and pedestrian offenses
 - For the indigent defense fund

HB 1380

- **Amends Building Security Fund**
 - But, no change in the amount or purpose
- **Includes Buildings housing**
 - District & county court judges,
 - Justices of the peace (not in courthouse),
 - Associate judges, masters,
 - Magistrates, referees,
 - Hearing officers,
 - Criminal law magistrate court judges, and
 - Masters in chancery

HB 1623

- **Operating a motor vehicle without license plates or with one license plate**
 - Remedy before 1st court appearance
 - Pay fee not to exceed \$10; effective January 1, 2008
 - Registration current at the time of the offense
 - Registration insignia attached to vehicle before first court appearance
 - Judge may dismiss

HB 1623

- **Expired motor vehicle registration**
 - Remedy within 20 working days after the offense or before 1st court appearance, whichever is later
 - May assess a fee not to exceed \$20; effective January 1, 2008
 - Late fee to the tax assessor/collector is still due
 - Judge may dismiss

HB 1623

- **Display an altered, unclean, or obscured license plate/registration insignia**
 - Remedy before 1st court appearance
 - May assess a fee not to exceed \$10; effective January 1, 2008
 - Judge may dismiss

HB 1623

- **Failure to Display Driver's License**
 - Defendant presents a valid DL
 - Prosecutor makes a motion to dismiss
 - Judge shall dismiss
 - Judge may assess \$10 fee; effective January 1, 2008

HB 1623

- **Expired Driver's License**
 - Remedy within 20 working days after the offense or before 1st court appearance, whichever is later
 - Fee not to exceed \$20 may be assessed; effective January 1, 2008
 - Judge may dismiss

HB 1623

- **Failure to Report Change of Address or Name Within 30 Days**
 - Remedy within 20 working days after the date of offense
 - Fee not to exceed \$20 required (judge may waive in the interest of justice); effective January 1, 2008
 - Judge may dismiss

HB 1623

- **Violate Driver's License Restriction or Endorsement**
 - **Remedy before 1st court appearance**
 - Endorsement imposed because of a physical condition that was corrected before the offense or was imposed in error; and
 - Have DPS remove the endorsement before 1st court appearance
 - **Fee not to exceed \$10 required; effective January 1, 2008**
 - **Judge may dismiss**

HB 1623

- **Operate Vehicle with Defective Required Equipment (or in unsafe condition)**
 - **Remedy before 1st court appearance**
 - **Does not apply to CMV**
 - **Fee not to exceed \$10 required; effective January 1, 2008**
 - **Judge may dismiss**

HB 1623

- **Expired Inspection Less than 60 days**
 - **Remedy within 20 working days after offense or before 1st court appearance, whichever is later**
 - **Fee not to exceed \$20 required; effective January 1, 2008**
 - **Judge shall dismiss**

HB 1623

- Expired Inspection More than 60 days
 - Remedy within 20 working days after offense or before 1st court appearance, whichever is later
 - No fee allowed
 - Judge may dismiss

HB 1623

- Expired certificate of number (vessel) expired less than 60 days
 - Remedy within 10 working days after offense
 - Fee not to exceed \$10 required; effective January 1, 2008
 - Judge may dismiss

HB 1623

- DWLI
 - Class C misdemeanor if the suspension was not the result of a DWI conviction
 - Class B misdemeanor if the suspension was from a DWI conviction
 - Class A misdemeanor if previously convicted of DWLI

HB 1623

- **Red light cameras**
 - Max penalty \$75 (civil penalty)
 - Max late penalty \$25 (civil penalty)
 - 50% of revenue goes to state
 - After deducting cost of purchase or leasing of equipment, installation, operation, and maintenance
 - State Comptroller can audit

HB 1801

- **Clerk who does not provide Internet access to case records**
 - Must post in designated public place in the courthouse
 - Criminal docket
 - Not less than 48 hours before docket setting

HB 2061

- **Social Security Numbers under PIA**
 - Under Section 552.147(a) of the G.C., a SSN is not confidential
 - Not misconduct for district and/or county clerk to disclose a SSN
 - Abstract judgment – must contain last four digits of the SSN

HB 2949

- Teen courts
- By Texas-Louisiana border only
 - Two \$20 fees instead of two \$10 fees
 - Effective January 1, 2008

HB 335

- Official court reporter
 - Must furnish transcript to person
 - Not later than the 120th day after date application for transcript received by reporter, and
 - Transcript fee is paid or indigence is established by person

HB 368

- OCA may award grants
 - To courts
 - For programs approved by JCIT
 - That provide technological support for judiciary

HB 530

- Drug court programs
 - Cities have authority to create
 - Funded by grants and costs assessed to participants
 - Judges of drug courts may order occupational licenses be issued
 - A.B.C. offenses, public intoxication, offenses in which alcohol or controlled substance contributed to commission of offenses

HB 587

- "Docket" = "record" for courts of record
- Does not apply to municipal courts of record

SB 168

- \$65 annual legal services fee for attorneys
- Exceptions:
 - 70 years or older
 - Inactive status
 - Sitting judge
 - Employee of state or federal gov't
 - Employee of city, county or district attorney & not in private practice for more than 50% of time
 - Employed by 501(c)(3) nonprofit corp. & prohibited from outside practice of law
 - Exempt from MCLE requirements because non-practicing
 - Resides out of state and does not practice in Texas

SB 244

- District Attorney may request to seal a PC affidavit of a search warrant
 - Order – 31 days after execution
 - Order may not affect the right of a defendant to discover contents of affidavit
 - When the order expires, the affidavit must be unsealed

SB 397

- Oaths
 - Municipal judges and clerks may administer any oath

SB 496

- Judicial Court and Personnel Training Fund
 - Funds TMCEC
 - Effective Sept. 1, 2007, it will also fund innocence training programs for law enforcement officers, law students, and other participants

SB 548

- Theft by check
 - Notice to issuer by
 - 1st class mail evidenced by an affidavit of service, or
 - Registered mail
 - Issuer liable for costs of registered mail

SB 560

- Juror payments
 - City may determine the rate and provide reimbursement
 - Council approves in budget

SB 600

- Judicial Supplement Fund
 - Increased by \$2
 - Effective January 1, 2008
 - City's portion is still 60 cents

SB 1083

- **DSC driving record**
 - Court may request the record
 - Using TexasOnline
 - Defendant pays a \$12 fee; effective January 1, 2008
 - Fee paid to the State quarterly (no proration)

HR 973

- **Municipal Courts Week**
 - November 5-9, 2007
 - November 3-7, 2008

HB 2267 - Deferred Disposition

- Court cost on Deferred
- New Law (Art. 45.051 (a-1) CCP)
“Notwithstanding any other provision of law...”
 - Installments
 - Community Service
 - Combination

HB 2267 - Deferred Disposition

- Show Cause Hearing Now Required
 - Art. 45.051(c-1) – No Different than Existing DSC Requirement
 - Notice in Writing
 - Mailed to Address on File or on Citation
 - Stating Time and Date of Show Cause
 - Show What? Show why Order should not be Revoked!
- “Additional Period” (Article 45.051(c-2))
 - Unclear
 - Presumably no longer than another 180 Days

- Applies to Courts issuing *Capias Pro Fines* (Post-Judgment)
- Amends 45.045(a)
 - REQUIRES that Defendants be brought before the issuing court NO LATER than the business day following the defendant’s arrest
- Not the Same as Art. 15.17 (Presentation before the Magistrate) – performance is by court not magistrate


