

THE RECORDER

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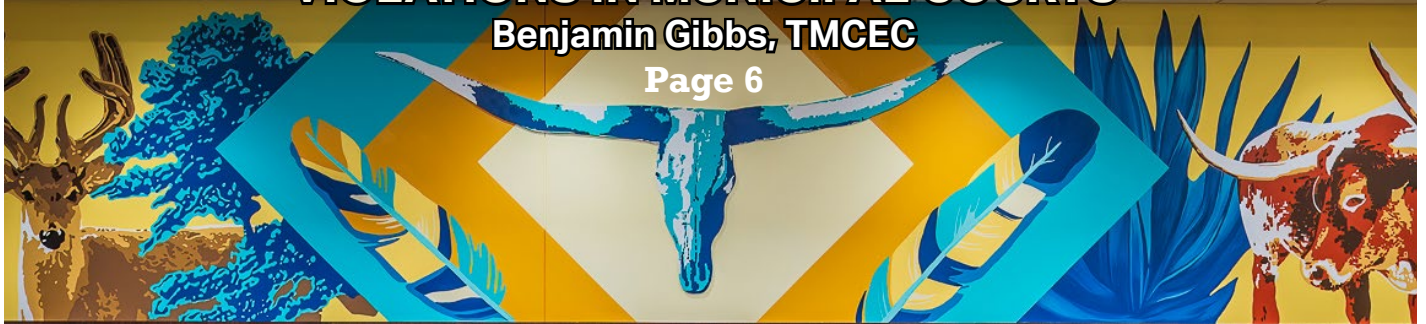
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FROM THE CENTER

Changes to Vendor and Participant List Policy

The TMCEC Board of Directors voted in July to amend TMCEC's vendor policy. The amendment requires vendors to pay a \$500 table fee per TMCEC event (effective September 1, 2022). In exchange for the fee, vendors will get a list of attendees containing the names, offices held, and the cities they represent.

Participants may opt out of inclusion on the attendee list by checking a box on their electronic TMCEC profile. TMCEC will be sending out more information about this via eblast. If you do not want your information shared with vendors at TMCEC events, make sure to change the settings on your profile.

TMCEC Civil Rules Workgroup

The Supreme Court of Texas tasked TMCEC with appointing a workgroup to propose civil rules for application in municipal courts of record. On June 21, 2022, the workgroup distributed a draft of the proposed civil rules to municipal judges, prosecutors, city attorneys, the Texas Municipal League, and the Texas Municipal Courts Association Board of Directors. Recipients had 30 days to respond.

The workgroup met on July 22, 2022 to consider any feedback and made a few changes to the proposed rules. The workgroup met on August 22, 2022 to finalize the language of the proposed rules, an executive summary, and any commentary, which will be submitted by TMCEC to the Supreme Court Advisory Rules Committee.

TMCEC is grateful for the time, expertise, and effort put forth by the workgroup.

Farewell AY 22

This academic year ends on August 31, 2022. TMCEC thanks the Court of Criminal Appeals, TMCEC Board of Directors, faculty, volunteers, and participants who made our first full year of in-person training an immense success. Special events, including the Regional Roundtables & Statewide Summits, Mental Health Conference, and TMCEC's first deep dive into municipal ordinances at the C3 conference, made AY 22 truly exceptional. We look forward to another exciting academic year in AY 23!

Hello AY 23

The next academic year begins on September 1st. Registration will open for AY 23 events on September 16, 2022. In AY 23, TMCEC will publish two academic bulletins: Fall/Winter (September 1-February 28) and Spring/Summer (March 1-August 31). Look for the *TMCEC Fall/Winter Academic Bulletin* in mid-September. (Visit <https://www.tmcec.com/calendar> for the most up-to-date event schedule.)



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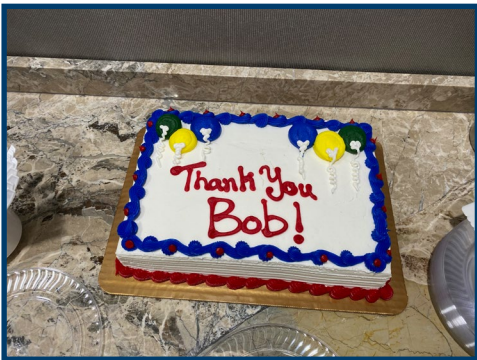
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AROUND THE STATE

JUDGE BOB RICHTER was presented with the first Texas Municipal Courts Association (TMCA) Distinguished Service Award expressing gratitude for more than 40 years of leadership, contributions, dedication, commitment, loyalty, and outstanding service to TMCA. Judge Michael Acuña, TMCA/TMCEC President, presented Judge Richter with the award, along with kind words detailing the work of Judge Richter, at the July Board Meeting in Bee Cave. Judge Acuña said the following: “Judge Richter has served on the Board of Directors as Treasurer for over forty years. He has been a member of the TMCA since the 70’s. He joined the board when TMCA President Elinor Walters (Municipal Judge of Seabrook) asked him to serve as Treasurer in the late 70’s or early 80’s. Judge Richter has served as Treasurer ever since. He has been there for virtually every major development and accomplishment of TMCA. To consider Bob’s history with TMCA is to contemplate the history of the organization itself.” We wish Judge Richter the best in his future endeavors.



The TMCA/TMCEC Board of Directors celebrate Bob Richter with a Distinguished Service Award. Back row from left: Michael Acuña (President); Gary Ellsworth (President-Elect); Danny Rodgers (Second Vice President); Teresa Evans (Region II Director); Bob Richter (Treasurer); Ashley McSwain (Region III Director); Forrest Phifer (Region IV Director); Tim Meek (Region V Director). Front row from left: Janet Blacklock Matthews (Region I Director); Bonnie Townsend (First Vice President); Hilda Cuthbertson (Secretary); Henrie Morales (Region X Director); Julie Escalante (Region IX Director).

Hon. Michael Acuña presents Bob Richter with the Distinguished Service Award at the July Board Meeting in Bee Cave.

TMCA Honors Award Winners

Each year, the Texas Municipal Courts Association honors an Outstanding Jurist, Court Support Staff Member, and Prosecutor who have made outstanding contributions to the fair and impartial administration of justice. This year's award winners were recognized at the 2022 Annual Meeting, held in Fredericksburg, Texas, August 10-12, 2022.

The 2022 Outstanding Jurist of the Year is Robert "Bobby" Garcia, Presiding Judge of the Harlingen Municipal Court. According to his peers who nominated him, Judge Garcia has had an impact on reducing incarceration time, educating school children, and improving the quality of life of his community.

Pat Riffel, Court Administrator for the Friendswood Municipal Court, received the 2022 award for Outstanding Clerk of the Year. Ms. Riffel was recognized for her passion for clerk education, her work on the Clerk Certification Program, and her impact on the clerk profession through the advancement of others.

The TMCA 2022 Outstanding Prosecutor of the Year is Enrique C. Juarez from the Harlingen Municipal Court. Nominators stated that Mr. Juarez treats every defendant with respect and ensures they understand the process. His peers also mentioned his long history of service and



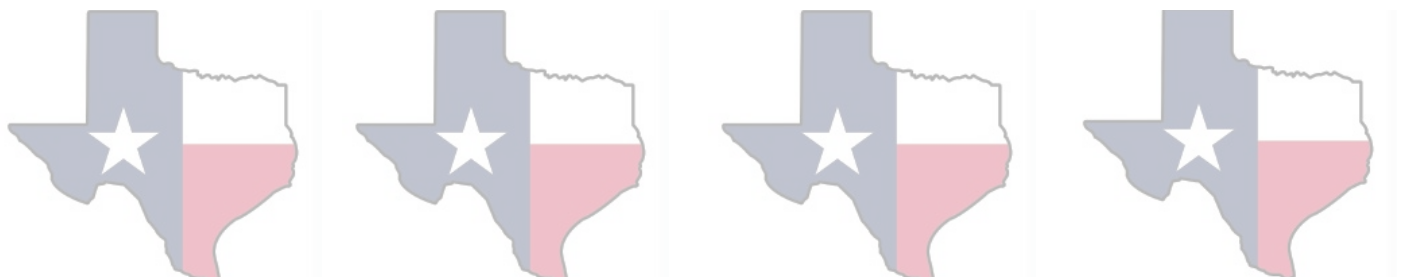
From left: Hon. Michael Acuña, President, TMCA; Hon. Robert Garcia, Award Recipient; Hon. Bonnie Townsend, First Vice President, TMCA



From left: Pat Riffel, Award Recipient; Hon. Michael Acuña, President, TMCA

Remembering Judge Robert Kubena

Former TMCA and TMCEC President, Hon. Robert Kubena, passed away on July 19, 2022. Judge Kubena was one of the founders of TMCA and TMCEC, and, in addition to having served as municipal judge for 52 years, was also the mayor of Hallettsville for 11 years. He was a rancher, a farmer, a funeral home operator, and a loving family man. All of this in addition to 40 years of service in the United States military (Judge Kubena was also Colonel Kubena). He was 89 years old.



Criminal Enforcement of City Ordinance Violations in Municipal Courts

Benjamin Gibbs, Program Attorney and Deputy Counsel, TMCEC

In cities across the state, the summer is grinding to a close, and an idyllic scene plays out, in the municipal court: The phone rings. The clerk answers. On the other end is a prominent citizen, perhaps the sibling of a former mayor, shouting about 1010 Colorado or 2210 Hancock, or whatever is the Local Problem House. The weeds are too high, and the shutters are falling off. The paint is peeling, and the newspapers are piling up outside the door. That “antique” busted mustang hasn’t moved in twelve years, and the thistle-farming operation in the back yard has covered the

get a lawn mowed, a permit pulled, or refuse cleaned. However, these procedures are not prescribed by the law, and are left to the sound discretion of the City. The scope will be restricted to the legal options available for enforcement of city ordinance violations in municipal courts.

Begin by Considering Available Remedies

Before beginning the process of filing a case in municipal court for an ordinance violation, a city should consider what remedy will actually solve

A Note about Corporations and Associations

Often, property in violation of a city ordinance is owned by a corporation, association, or other entity created by a filing with the Secretary of State. There are particular rules that must be observed for service of summons and enforcement against corporations. Those rules are in Chapter 17A of the Code of Criminal Procedure, and the process is laid out in Chapter 15 of the TMCEC Bench Book (Corporations and Associations). Perhaps the most important rule to keep in mind when issuing citations against corporations is that no individual may be arrested upon a complaint or sentence against a corporation or association.¹

sidewalk in drifts of downy fluff. Someone, says the caller, needs to go to jail.

This article will provide an overview of procedures for pursuing city ordinance violations criminally in municipal courts. It will address what to do when the complaint comes from someone other than a peace officer, and what to do when the accused decides to ignore the call of the court and refuses to address the issue.

It will not address informal enforcement means which may be available to a city. Sometimes, a telephone call, a friendly visit, or an official letter may be enough to

the problem it faces. No matter how egregious an ordinance violation, the powers of the municipal court extend only as far as prescribed by law.

A person convicted of a city ordinance violation may face a fine of \$500.² If the ordinance governs fire safety, zoning, or public health and sanitation (but not dumping), the fine may be \$2,000.³ If the ordinance governs dumping refuse, it may be \$4,000.⁴ Although a stiff fine may be a strong deterrent in many cases, it is simply not the same as an order from a court of competent jurisdiction that a problem must be remedied. If the City’s intent is to obtain an injunction to prevent a certain behavior or violation, it may be

wise to consider consulting with the city attorney, and the possibility of proceeding civilly, rather than criminally. As such proceedings lie beyond municipal courts, they will not be addressed here, but these decisions must be made before pursuing any action in the municipal court.

Steps to Enforcement: Observation of the Violation

The first step in enforcing a city ordinance violation is for some person to become aware of an offense. This person could be a private citizen or a city employee. The only requirement is that the person legally observe the offense. How does one legally become aware of an offense when dealing with code violations? There are two avenues: (1) with a warrant or (2) under one of the several warrant exceptions.

Observation through a Search Warrant

A search warrant may be issued to a fire marshal, health officer, or code enforcement official of a city for the purpose of allowing the inspection of any specified premises to determine the presence of a fire or health hazard or unsafe building condition or a violation of any fire, health, or building regulation, statute, or ordinance.⁵ Commonly known as an “administrative search warrant,” or an “inspection warrant,” this warrant may be issued only upon a showing of proof of probable cause that a fire or health hazard or violation or unsafe building condition is present.⁶ In determining probable cause, the judge may consider specific knowledge of the violation, as well as the age and general condition of the premises, previous violations or hazards found present in the premises, the type of premises, the purposes for which the premises are used, and the presence of hazards or violations in and the general condition of premises near the premises sought to be inspected.⁷

The probable cause affidavit must be presented to a judge, typically the municipal judge, who makes the determination of probable cause. The warrant should specify the particular premises to be searched, and the particular violation which is suspected, and should be executed by a peace officer for execution without delay.⁸ The

officer should have two copies of the warrant, and should present one copy to the owner of the place upon execution, or, if the owner is not present, to the person present and in control of the place.⁹ Execution of a warrant will necessarily involve the presence of a peace officer.

Observation When a Warrant Is Not Required

In some situations, though, a warrant may be unnecessary. There are several well-established exceptions to the warrant requirement, under which activity that might otherwise be considered a search has been found not to violate the 4th Amendment.

Consent waives the warrant requirement. The owner, or the person apparently in charge of the property (such as a renter), may give consent to search the premises and waive the warrant requirement.¹⁰ The warrant requirement is waived only during and to the extent of that consent, and a person may limit the scope of consent given.¹¹ Permission to look in the back yard for evidence of illegal dumping is not permission to go through drawers for evidence of controlled substances. If the person agrees, a city employee may enter property and observe potential violations.

The “public view” exception is perhaps the most commonly applicable in many ordinance violations. If a violation can be seen from the public area, as in the case of high weeds or refuse in the front yard of a home, a warrant may not be necessary to proceed.¹² A public street or neighboring property may be acceptable vantage points to view a violation, without the owner’s permission and without a warrant.¹³ A violation is properly in the “plain view” of the government if it

Criminal Enforcement of City Ordinances STEPS TO ENFORCEMENT

- 1) Observation of the Violation
- 2) Filing the Complaint
- 3) Notice to Appear
- 4) Failure to Appear for City Ordinance Violations
- 5) Enforcing the Judgment

substantially meets two criteria: (1) the initial intrusion must be proper, in other words, the police have a right to be where they are when the discovery is made and (2) it must be “immediately apparent” to the police that they have evidence before them (i.e., probable cause to associate the property with criminal activity).¹⁴ Use of equipment to peep into yards are not necessarily improper, under certain very particular circumstances, although they should be used with caution.¹⁵ Note that in Texas, use of drones to search for code violations is effectively prohibited by statute, absent a warrant or the property owner’s consent.¹⁶

Once the offense has been observed, the process of filing can begin.

Steps to Enforcement: Filing the Complaint

Prefiling review by the State is a step that is sometimes easy to overlook but is vital to the process. It will fall to the prosecutor to prosecute the case. Although the judge will be called upon to determine whether probable cause exists to issue an administrative search warrant, the court should not determine whether a case should go forward. Either before or after a complaint is sworn, the prosecutor should review any reports or evidence, assure that any required notice was given, and determine whether and how a case should be filed.

If an offense was witnessed by any non-peace officer, whether a city employee or a private citizen, the case is initiated by a complaint. As a general rule, anyone who is aware of the facts surrounding the offense may file a complaint.¹⁷ This includes a peace officer, a code enforcement officer, or a citizen who observed the offense. The complaint must be in the form prescribed by statute.¹⁸ The complaining person must swear to the truth of the complaint before an officer of the court authorized to administer oaths.¹⁹

Requisites of the Complaint

A complaint is a sworn allegation charging the accused with commission of an offense in a municipal court.²⁰ Any complaint which meets the requirements prescribed in Chapter 45 of the Code of Criminal Procedure is sufficient, legally.²¹ The complaint must:²²

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, must include a reasonably definite description of the accused;
4. Show that the accused has committed an offense, or state that the affiant has good cause to believe and does believe that the accused committed an offense;
5. State the date the offense was committed as definitely as the affiant is able to provide;
6. Bear the signature or the mark of the affiant;
7. 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;”
8. Allege that the offense was committed in the territorial limits of the municipality; and
9. Be sworn to before any officer authorized to administer oaths.

Beyond the language expressly provided by statute, a complaint must appraise the accused of the facts surrounding the offense charged so the accused can prepare a defense.²³ When a complaint tracks the statutory language proscribing conduct, it is sufficient to charge a criminal offense.²⁴ A complaint which substantially tracks the statute and alleges all of the requisite elements of the offense will not be found deficient simply because it



does not precisely track the language of the statute.²⁵ The same rule will apply to ordinances. The complaint must track the language of the ordinance and put the defendant on notice of the alleged violation, sufficient to allow the accused to prepare a defense.

Complaints Arising under State Law v. City Ordinance

The most obvious and overt difference between a complaint arising under state law and one arising under a city ordinance is in subsection 45.019(a)(7) of the Code of Criminal Procedure. All complaints must conclude with the words, “Against the peace and dignity of the state,” but city ordinance complaints may also conclude with the words “Contrary to the said ordinance.”²⁶ Although this statute appears to be permissive rather than mandatory, at least one court has held that a complaint alleging a violation of a city ordinance was insufficient to put a defendant on notice of the alleged violation because it did not include that language.²⁷ Best practice would suggest including this language on all complaints alleging city ordinance violations to avoid challenges for sufficiency.

Another difference to consider is under subsection 45.019(c). The literal language of the statute requires that a complaint in a municipal court allege that the offense was committed in the territorial limits of the municipality.²⁸ However, the court has jurisdiction to enforce certain city ordinance violations in the extraterritorial jurisdiction (ETJ) of the city, outside the territorial limits.²⁹ In certain circumstances, it may be harmless error for a complaint to state that an offense occurred in the territorial limits when the actual allegation states a location in the ETJ.³⁰ Although a complaint may be sufficient under Article 45.019 if it states that an offense occurred in the territorial limits of the municipality, when alleging a city ordinance violation in the ETJ, including only correct information in a complaint is likely best practice.

Complaints and Model Codes

When drafting complaint language for city ordinance violations, prosecutors should be aware that many ordinances may be modified by adoption of model codes. This is particularly true when the ordinances govern construction and maintenance of buildings. Briefly, if a municipality does not adopt another code, the State of Texas has adopted the International Code Council’s International Residential Code, International Building Code, International Energy Efficiency Code, International Swimming Pool and Spa Code, and

International Rehabilitation Code, and the National Fire Prevention Association’s NFPA 70: National Electric Code. Additionally, many cities in Texas have adopted amendments to these, or other model codes, which will govern these areas.

These model codes may include requirements which constitute essential elements of an offense, and so must be included in any complaint. For example, an ordinance based upon the International Property Maintenance Code stated that, “Any person failing to comply with a notice of violation or order served in accordance with [another section] shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense.”³¹ Interpreting that wording, the notice of violation was held to be an essential element, and because it was absent from the complaint, the court held that the complaint was properly dismissed.

Complaints Must Negate All Exceptions

When drafting complaints for city ordinance violations, take care to negate all exceptions. Depending how ordinances are drafted, there may be several. Exceptions are, generally, essential elements of an offense, and their omission may require dismissal of a complaint. For example, in one case a complaint regarding registration for a public event alleged only that the defendant held a public event but failed to apply for the proper registration or permit.³² The ordinance stated, in a section titled “In general,” that the ordinance did not apply in two specific circumstances.³³ Without addressing whether those circumstances applied, the court held that the complaint was fatally defective, and so required dismissal.³⁴

Steps to Enforcement: Notice to Appear

Only a peace officer may issue a citation, in lieu of arrest, to a person accused of violating the law, including a city ordinance.³⁵ Some cities have created ordinances allowing other city employees to provide notices of violation (sometimes called “code tickets”).³⁶ However, because only a peace officer can arrest a person for an offense, these notices will not have the force and effect of citations. Properly issued citations represent a promise by the accused to appear before the court.³⁷ The court has legal authority to enforce that promise and compel the person’s appearance.³⁸ Notices of violation and tickets issued by non-peace-officers do not carry this same duty to appear.

If a peace officer witnessed the offense and issued a citation, the case may proceed as any other criminal

case in municipal court. Peace officers have authority to enforce city ordinances creating fine-only misdemeanors. The citation may stand for the charging instrument if the accused chooses to plead guilty or nolo contendere; however, a complaint must be sworn as in any other case if the defendant pleads not guilty, or if the court will issue a warrant.³⁹

A court may deliver notice of an alleged offense to a defendant in any manner approved by law. If a defendant appears, a warrant need not issue. Upon receiving notice of an offense, a defendant may willingly come into court and enter any plea allowed by law. As with search warrants, consent by the defendant is the easiest outcome. The average defendant may be reticent to appear if there is no legal compulsion.

Legal compulsion to appear begins with a summons. Once a sworn complaint is filed, the judge may issue a summons, compelling the alleged violator to appear.⁴⁰ A summons is addressed to a peace officer, commanding them to summon the defendant to appear before the court.⁴¹ The summons should name the accused, expressly and clearly state the offense alleged, and the court to which and the time when the person is summoned.⁴²

A summons may be served upon a defendant personally, or by leaving it at his dwelling house or usual place of abode with some person of “suitable age and discretion” who resides there, or by mailing it to the defendant’s last known address.⁴³ The summons cannot simply require appearance before 21 days, or in other generalities. It must specify a particular time and place for the defendant to appear before the judge.⁴⁴

Steps to Enforcement: Failure to Appear for City Ordinance Violations

If a defendant has signed a citation issued by a peace officer under Chapter 14 of the Code of Criminal Procedure, and fails to appear as required, no matter whether the offense arises under state statute or city ordinance, a municipal court has authority to bring that defendant before the magistrate.

If a defendant has been summoned to respond to a complaint for a violation of a city ordinance violation and does not appear, a court may issue a warrant.⁴⁵ However, before issuing an arrest warrant, a judge must provide by telephone or regular mail to the defendant a notice which includes: a date and time to appear before the judge within 30 days of the date the notice is provided; the name and address of the court with jurisdiction; information regarding alternatives to full payment; a statement that the defendant may be entitled to jail credit toward the fine or costs owed if the defendant was confined in jail or prison after the date of the alleged offense; and an explanation of the consequences if the defendant fails to appear before the judge as required.⁴⁶ Further, before a warrant can issue, the defendant must fail to appear before the judge as required by the notice, or an alternative date and time if the defendant requests an alternative date and time to appear.⁴⁷ Note that this process is required before issuing any warrant for failure to appear in a municipal court.

Steps to Enforcement: Enforcing the Judgment

If a defendant is convicted of a city ordinance violation, the judgment may be enforced as any other judgment in a municipal court. Recall that municipal courts may employ the same manner of enforcement of fines as a judgment in a civil suit.⁴⁸ However, this statute does not give the court the authority to issue an injunction, requiring abatement of the offense. It does not impart civil and equitable jurisdiction upon municipal courts, but only allows civil enforcement of the fine and fees assessed after conviction.

1. Tex. Crim. Proc. Ann. art. 17A.03(b).
2. Tex. Penal Code § 12.23; Tex. Loc. Gov’t Code § 54.001(b)(1).
3. *Id.* at (b)(2).
4. *Id.* at (b)(3).
5. Tex. Crim. Proc. Ann. art. 18.05; see, TMCEC 2022 Forms Book, Chapter IV.
6. *Id.*
7. *Id.*
8. Tex. Crim. Proc. Ann. art. 18.06.
9. *Id.*
10. *Maxwell v. State*, 73 S.W.3d 278, 281 (Tex. Crim. App. 2002).

11. *State v. Weaver*, 349 S.W.3d 521, 526 (Tex. Crim. App. 2011).
12. *California v. Ciraolo*, 476 U.S. 207, 213 (1986).
13. *Id.*
14. *Haley v. State*, 811 S.W.2d 600, 603 (Tex. Crim. App. 1991); *Horton v. California*, 496 U.S. 128, 138, (1990).
15. *Florida v. Riley*, 488 U.S. 455 (1989) (Helicopter at 400 ft.); *Ciraolo* at 215 (Aircraft at 1000 ft.); *Dow Chemical Co. v. U.S.*, 476 US 227 (1986) (Aerial photography).
16. Tex. Gov. Code Ann. § 423.002.
17. Tex. Crim. Proc. Ann. art. 45.019.
18. Tex. Crim. Proc. Ann. arts. 45.018, 45.019.
19. Tex. Crim. Proc. Ann. art. 45.019(d).
20. Tex. Crim. Proc. Ann. art. 45.014.
21. Tex. Crim. Proc. Ann. art. 45.019.
22. Tex. Crim. Proc. Ann. art. 45.019(a)-(d).
23. *Chapa v. State*, 420 S.W.2d 943, 944 (Tex. Crim. App. 1967).
24. *State v. Edmond*, 933 S.W.2d 120, 127 (Tex. Crim. App. 1996).
25. *Id.*; Tex. Crim. Proc. Ann. art. 21.17.
26. Tex. Crim. Proc. Ann. art. 45.019.
27. *Azeez v. State*, 248 S.W.3d 182 (Tex. Crim. App. 2008).
28. Tex. Crim. Proc. Ann. art. 45.019(c).
29. Tex. Gov't Code Ann. § 29.003.
30. See, e.g., *State v. Blankenship*, 170 S.W.3d 676, 680-81 (Tex. App.—Austin 2005, pet. ref'd); c.f., *Black v. State*, 645 S.W.2d 789, 791 (Tex. Crim. App. 1983).
31. *State v. Cooper*, 396 S.W.3d 603, 607 (Tex. App.—Dallas 2012), aff'd, 420 S.W. 3d 829 (Tex. Crim. App. 2013).
32. *Bird v. State*, 927 S.W.2d 136, 138 (Tex. App.—Houston [1st Dist.] 1996, no pet.).
33. *Id.*
34. *Id.* at 141.
35. Tex. Crim. Proc. Ann. art. 14.06; Tex. Transp. Code Ann. § 543.005.
36. See, Tex. Loc. Gov't Code Ann. § 54.005.
37. Tex. Crim. Proc. Ann. art. 14.06.
38. See, e.g., Tex. Penal Code Ann. § 38.10; Tex. Transp. Code Ann. § 543.009.
39. Tex. Crim. Proc. Ann. art. 27.14(d).
40. Tex. Crim. Proc. Ann. art. 15.03(b).
41. Tex. Crim. Proc. Ann. arts. 23.03, 23.04.
42. Tex. Crim. Proc. Ann. Art. 23.02
43. Tex. Crim. Proc. Ann. Art. 23.03, 23.04.
44. *Id.*
45. Tex. Crim. Proc. Ann. art. 45.014.
46. Tex. Crim. Proc. Ann. art. 45.014(c)(1).
47. *Id.* at (e)(2), (f).
48. Tex. Crim. Proc. Ann. art. 45.047.





PAPER TRAIL BREADCRUMBS: The OCA Protective Order Registry and Domestic Homicide Prevention

**Kim Piechowiak, Domestic Violence Training Attorney,
Texas Office of Court Administration**

Family violence patterns often lend themselves to predictability of future dangerousness, so a well-crafted protective order can prevent future violence. It is often said that a protective order is just a “piece of paper.” However, detailed information that such a document even exists is the key that starts the engine of enforcement, protection, safety, and accountability. In 2015, Monica Deming of Odessa, Texas, was murdered by her ex-boyfriend. The young mother had no idea that the perpetrator had been the subject of two prior protective orders, only that his violent behavior toward her and her son was escalating. By the time she had begun taking steps to protect herself, it was too late. As a result, the 86th Texas Legislature (2019) passed “Monica’s Law” enabling the Texas Office of Court Administration (OCA) to provide justice system stakeholders with online access to valuable information regarding both applications and issued protective orders, along with very limited public access with the explicit consent of the protected parties. Specifically, this registry is part of a larger trend in the criminal justice system to provide courts and magistrates with the information they need to make informed decisions.

Domestic Violence in Texas

Domestic violence has been dubbed the “shadow pandemic” due to increased occurrences during the COVID-19 pandemic and the measures implemented to combat the spread of the virus. The Texas Department of Public Safety data indicates that

family violence reports increased by 10% in 2020, with family violence aggravated assaults having an increase of 17%.¹ According to the Texas Council on Family Violence report entitled “Honoring Texas Victims,” 228 Texans were killed by intimate partners in 2020, which represents an increase of 23% over the year before.² Similar impact of the pandemic has been seen across the country and around the world.

Domestic violence is simultaneously the most committed and the least reported violent crime. Its insidious nature can make it easy to miss, but often has long-term disastrous consequences for victims, their families, law enforcement officers, and the community at large. Since intimate partner violence is usually a course of conduct crime rooted in coercive control, there is a pattern of abuse that repeats and escalates over time. This pattern demonstrates ever-increasing danger for family violence victims. It is well settled that certain factors increase the chances of intimate partner homicide, such as non-fatal strangulation, threats or assaults with a gun, forced sex, and extreme jealousy.³ In addition, domestic violence offenders pose an increased threat to law enforcement officers and the community at large. A Department of Justice study indicated that

For procedures related to Magistrates’ Orders of Emergency Protection, please see the TMCEC Bench Book, Chapter 1, Checklist 1-8.

¹ Texas Department of Public Safety, Crime in Texas Online, Family Violence Summary Reports, <https://txucr.nibrs.com/Report/FamilyViolence> (last visited August 4, 2022).

² Texas Council on Family Violence, *Honoring Texas Victims: Analysis of Family Violence Fatalities in 2020*, 4 (2021) https://2mg7g749lu2112sis323nkkn-wpengine.netdna-ssl.com/wp-content/uploads/tcfv_hfv_rprt_2020.pdf.

³ Jacquelyn C. Campbell et al., *Assessing Risk Factors for Intimate Partner Homicide*, NATIONAL INSTITUTE OF JUSTICE JOURNAL, no. 250, at 16, <https://www.ojp.gov/pdffiles1/jr000250e.pdf>.

40% of calls resulting in a police officer fatality from 2010 to 2016 were related to domestic violence.⁴ Further, a study published in May of 2021 by the Educational Fund to Stop Gun Violence and Johns Hopkins University found that 67.6% of known mass shootings from 2014-2019 were domestic-violence-related, meaning the perpetrator had a documented history of domestic violence or the victims included a dating partner, spouse, or other family member.⁵

Protective Orders Reduce Violence When Enforced

Research indicates that for about half of victims, safety plans that included protective orders stopped the violence. For the other half, the violence was significantly reduced.⁶ The major weakness of protective orders tends to be lack of consistent enforcement, especially in rural areas. However, the first step to enforcement is knowing that the order exists.

Like criminal histories, widespread access to protective order information for criminal justice personnel is a useful tool to prevent future violent crimes, including murder. While entry of such orders into the Texas Crime Information Center (TCIC) by law enforcement agencies via TLETS (Texas Law Enforcement Telecommunication System) has been mandatory for several years, the system has some limitations. Access to protective order information in TCIC is limited primarily to law enforcement. Getting the order from the court to the entering agency and then the entry of pertinent information into every field by communications personnel causes delays. The information given to officers in a TCIC hit for a protective order is often cryptic, and sometimes inaccurate or incomplete, due to character limits of the various fields requiring data. Once a hit is received, law enforcement agencies often must verify the information with the issuing court, which can be difficult since the courts are not open 24/7. Finally, a TCIC hit does not include access to the actual signed order itself. However, entry into TCIC does feed crucial information to its federal counterpart, the National Crime Information Center (NCIC) and to the National Instant Criminal Background Check System, which allows access to law enforcement agencies

across the country along with federally licensed firearms dealers. Such access allows Texas orders to be enforced in other states, and to prohibit transfer of firearms to people who are disqualified pursuant to the Brady Act.⁷

Monica's Law and the OCA Protective Order Registry

OCA launched the Protective Order Registry in September of 2020, with mandatory entry of applications, protective orders, and magistrate's orders of emergency protection by the courts beginning on October 15, 2020. Courts are required to complete entry of the information into the registry within 24 hours of issuance. Entry requirements include uploading images of both the applications and signed protective orders themselves. As of July 29, 2022, there are more than 76,000 applications along with 98,484 signed orders in the system. All Authorized Users (mostly clerks) can see all records from across the state and share with their judges as needed and appropriate for pretrial release and sentencing decisions. In instances in which the order cannot be given to the clerk for entry within 24 hours, many magistrates have been added to the registry to complete timely data entry.

Registry Portals

The registry has three separate portals: (1) for courts; (2) for law enforcement and prosecutors; and (3) for the public. First, the Courtal, located at <https://courtal.txcourts.gov/>, is where clerks are required to enter the records for all protective orders and magistrate's orders for emergency protection issued in their respective courts. For more information, please go to <https://www.txcourts.gov/judicial-data/protective-order-registry/> and click on "Authorized User (Clerks)" on the left sidebar for instructions, training, FAQs, and more.

The dedicated website for law enforcement and prosecution personnel to view both applications and orders is called the Protective Order Registry of Texas (PROTECT) and is located at <https://protect.txcourts.gov/>. This portal launched in February of 2021. For the first time, PROTECT allows criminal justice personnel in Texas to view more comprehensive protective order

4 Cheryl Mercedes, Domestic violence calls proven to be most dangerous for responding law enforcement officers, KHOU 11 (December 9, 2019, 6:12 PM, Updated December 13, 2019, 12:50 PM), <https://www.khou.com/article/news/local/domestic-violence-calls-proven-to-be-most-dangerous-for-responding-law-enforcement-officers/285-c7fef991-320d-4d4d-9449-2ede67c10829>.

5 Geller, L.B., Booty, M. & Crifasi, C.K. The role of domestic violence in fatal mass shootings in the United States, 2014–2019. INJ. EPIDEMIOLOG. 8, 38 (2021), <https://doi.org/10.1186/s40621-021-00330-0>.

6 Robin L. Barton, Do Orders of Protection Actually Shield Domestic Violence Victims?, THE CRIME REPORT, (January 23, 2018), <https://thecrimereport.org/2018/01/23/do-orders-of-protection-actually-shield-victims/>.

7 18 U.S.C. § 922(g)(9) (2022).

information online, including images of applications and signed orders, in order to improve enforcement, investigation, and safety planning for survivors of family violence and other violent crimes.

Most elected District Attorneys, Criminal District Attorneys, County Attorneys, and City Attorneys, along with the heads of law enforcement agencies, have already been added to the registry as Restricted Users. This access enables the users to view all applications and protective orders that have been entered into the registry since its inception. For other personnel within these agencies to also view these records, agency leaders are required to enter them into the registry as Restricted Users. Please go to <https://protect.txcourts.gov/> for all the information on how to get started.

Another facet of the registry allows the protected party in a final protective order to give consent for limited information about the respondent and the order to be viewed by the public. Once written consent is forwarded to OCA by the clerk's office containing the record, OCA reviews to confirm that the order's information is eligible for publication on the Texas Online Public Information - Courts (TOPICs) website, found at <https://topics.txcourts.gov/>.

If published, only the following information will be viewable:

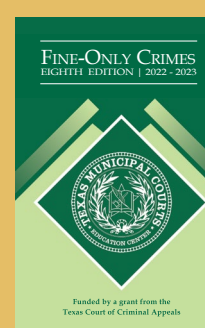
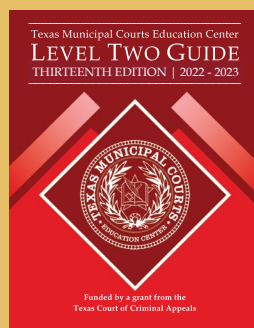
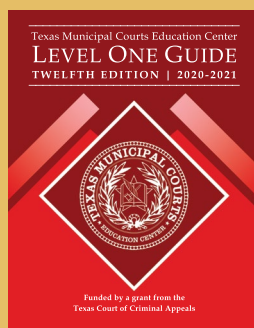
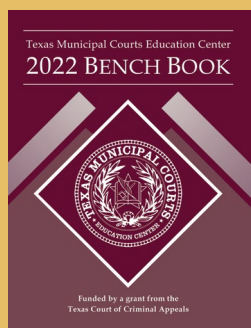
- Issuing Court
- Case Number
- Date Issued
- Date Served
- Date of Expiration
- Respondent's Full Name
- Respondent's County of Residence
- Respondent's Birth Year
- Respondent's Race or Ethnicity

It is important to note that members of the public will not be granted access to view information regarding temporary ex parte protective orders, magistrates' orders of emergency protection, or any information about the applicant/protected party in any type of order. In addition, images of applications, orders, or other documents are also not accessible by the public through the registry. A protected party seeking to grant public access is required to complete a form, located at <https://www.txcourts.gov/media/1451032/form.pdf>. This form is called the Consent to Publish or Remove Information from Protective Order Registry Public View. Once completed, the form must be submitted to the clerk's office which handles the records for the issuing court. The clerk's office then submits the request to OCA through the registry. At the time of this writing, only 160 protected parties have elected to grant public access to their protective order information.

For assistance on using the protective order registry or general questions, please contact us at OCA-LegalSupport@txcourts.gov. For training inquiries on the registry or any topic related to domestic violence, please contact the domestic violence training attorney, Kimberly Piechowiak at kim.piechowiak@txcourts.gov. We at OCA are excited to offer this new tool to assist in enforcement and investigation of violent crimes in Texas. Thank you for all that you do!

Updated TMCEC Books: Get them on Shopify while they last!

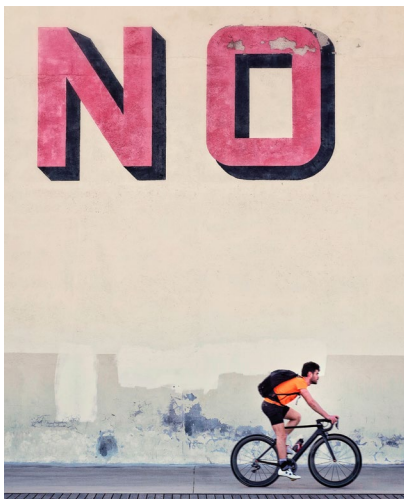
<https://texas-municipal-courts-education-center.myshopify.com/>



You're Not the Boss of Me: Teaching Kids about Individual Rights vs. Public Health and Safety

Elizabeth De La Garza, TxDOT Grant Administrator, TMCEC

This article is brought to you by Driving on the Right Side of the Road (DRSR),
a Texas Department of Transportation grant administered by TMCEC



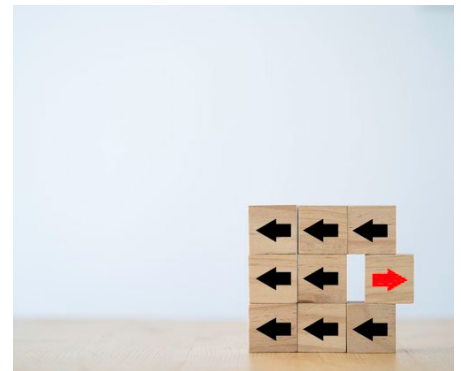
Driving on the Right Side of the Road (DRSR), a traffic safety education grant administered by TMCEC, encourages courts to reach out to their community's schools to help teach traffic safety, promote the rule of law, and show the proactive side of justice. Courts can accomplish this outreach through school visits or by inviting students to the courthouse to see for themselves how the criminal justice system functions to keep the public safe! DRSR has created free lessons and other traffic safety education materials to help courts in this effort.

Included in these outreach materials are lessons that court personnel can use with students. The You're Not the Boss of Me lesson—provided in the pages that follow—is timely given the pandemic and emphasis on public health and safety. It is suggested for students in 8th grade or above and is a great option for court personnel seeking a structured exercise. It has a reading section followed by a class discussion where

students talk about what they just read. This section can be used as a standalone. If court personnel have more time, they can continue the lesson and use the Extension Activity for in-depth discussion about what public health and safety truly mean and the responsibilities we as citizens have for each other's welfare and safety.

When using the lesson, we highly recommend sending it to the teacher in advance as a professional courtesy. This allows the teacher to review it for appropriateness and note the TEKS (Texas Essential Knowledge and Skills) number. By using DRSR TEKS-correlated lessons, court personnel help educators cover the required educational standards before the STAAR (State of Texas Assessments of Academic Readiness) test.

After reviewing the lesson, if you or your colleagues would like to discuss how best to prepare for your school event, please do not hesitate to contact TMCEC. DRSR would love to help with any outreach your court is planning! Helping make your student outreach as painless as possible is what DRSR does!



"You're Not the Boss of Me" Lesson Plan

Learning Objective: Students will...

1. Analyze how government can shape societal norms.
2. Compare and contrast viewpoints regarding how and when government policies shape behavior.
3. Identify examples of laws and regulations that must balance individual rights with public health and safety.

TEKS: 8th Grade U.S. History 19C, 29C, U.S. Government 7H, 8B, 13A-B, 19E

Materials Needed: Access to "*You're Not the Boss of Me: Individual Rights Versus Public Health & Safety*" reading, and "*You're Not the Boss of Me*" - Socratic Seminar questions

Vocabulary: regulation, department, public health, individual rights, penalties, autonomous, hemp, marijuana, infrastructure, Covid-19, CDC, bureaucracy,

Estimated Time:
45-60 minutes

Engaging Focus:

Distribute copies of "*You're Not the Boss of Me: Individual Rights Versus Public Health & Safety*" reading. Allow students about 5 minutes to read through the article individually.

Hold a class discussion regarding their thoughts on the article. When prompting the students to think of other issues, answers may vary. You may want to use some of the following topics to help get them thinking:

required vaccines for public school attendance, seat belt & helmet laws, marijuana laws, public mask mandates, laws banning cell phone use while driving, laws regarding gun sales, speed limits, etc.

Questions to consider from the reading:

- What other issues, past or present, can you think of that require(d) laws, regulations, or guidelines in order to address public behavior?
- How might these issues sit at an intersection of public health and individual freedoms?
- What recommendations would you make in each of these areas (strengthen the laws or penalties, weaken the laws or penalties, or appeal to the public for voluntary compliance)? NOTE: Voluntary public compliance is not highly effective in changing behavior.
- While there are no easy answers to these questions, it's important to consider that the local, state, and federal governments each have different considerations and constituents to think about. Which levels of government do you feel are best equipped to handle the issues above?



Teaching Strategy:

Now that students have a collective understanding of how laws impact behavior, place them in small groups to analyze various topics that hold similar issues discussed as a class.

Allow about 15-20 minutes for students to analyze their topic and consider solutions. If a group finishes early, encourage them to conduct additional research, or freely investigate one of the other topics presented.

Once groups finish their analysis, have them share their findings with the class.

Extension Activity:

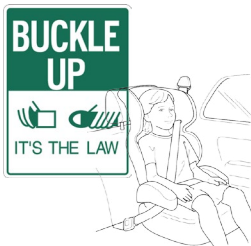
Ask students to brainstorm other public policy issues that could be seen as "public health" issues (for example: Covid-19, gun safety, environmental issues, food processing, vaccines, etc.). Discuss how laws, regulations, or government guidelines may be used to address public or corporate behavior. Have students research and analyze how one issue of their choice sits at an intersection of public health and individual freedoms and ask students to offer their conclusion on the best course of action.



"You're Not the Boss of Me" Reading

"You're Not the Boss of Me!" - Individual Rights Versus Public Health & Safety

The government is often faced with the disparate tasks of protecting public health while also protecting individual rights. For example, by 1974, all new automobiles were manufactured with integrated seatbelts, but by 1982 only around 11% of drivers and front seat passengers were using them. By 1996, many states had mandatory seat belt use laws and usage increased to around 50%. By 2009, usage was up to 88% and was higher in states with strong seat belt laws (and lower in states with weaker laws), which illustrates the power and effectiveness of law as a means to shape behavior in society.



While we may not think of seat belt laws as controversial, they were at the time. There was public backlash against them and many people feared they would actually be less safe wearing a seatbelt because it might "trap" them in their car in the event of a crash. This was not the case and studies have repeatedly shown that seat belt usage saves lives and also saves the taxpayers millions of dollars in costs from motor vehicle crashes each year.

The Covid-19 pandemic has provided a real-time case study in how governments navigate the balancing act between public health and individual rights and it has highlighted the legal authority to act at the local, state, and federal level. For example, the federal government restricted international travel. The state government mandated the wearing of masks and the closing of certain businesses, and then allowed the reopening of businesses at differing capacities. Some local governments instituted a curfew or declared emergency orders. Agencies at each level of government were also rapidly responding to the pandemic and getting guidance from one another in their respective areas of expertise.




Many other issues have sparked discussion of how best to weigh individual liberties against public health concerns. Can you think of other aspects of your daily world where these may come into play? Consider the following:


- What other issues, past or present, can you think of that require(d) laws, regulations, or guidelines in order to address public behavior?
- How might these issues sit at an intersection of public health and individual freedoms?
- In your opinion, what do you think is the most effective way to alter dangerous behavior? Would you strengthen laws or penalties? Weaken laws or penalties? Appeal to the public for voluntary compliance? Why?
- While there are no easy answers to these questions, it's important to consider that the local, state, and federal governments each have different considerations and constituents to think about. Which levels of government do you feel are best equipped to handle the issues above?

"You're Not the Boss of Me" Socratic Seminar

Instructions: In small groups, discuss the topics below. Remember to use each other's names as you consider opposing viewpoints. Throughout your discussion, remain supportive, inclusive, and professional.



- 
1. In 2021, a 1.5 trillion dollar federal infrastructure bill was introduced to upgrade and repair America's roads, bridges, and other various infrastructure elements. Farm groups expressed excitement about how the bill would meet rural infrastructure needs, but also voiced concern that some portions of the bill could hurt rural America.
 - a. What might be the benefit of such a bill? What might be some drawbacks?
 - b. What department(s) in the Executive Branch might want a say on how this bill is implemented? Why?
 - c. In discussing the pros and cons, would you support such legislation? Why or why not?
 - d. What are some rules and regulations that might be put in place to support the integrity of the bill? What department, or agency, might hold the oversight for these entities?

2. During the COVID-19 pandemic, fewer cars were on the road; however, this did not translate to safer driving. In fact, Texas saw a 6% increase of car crash fatalities in the first three months of the pandemic in 2020.
 - a. Why? What would cause this increase? (THOUGHT: There could be multiple factors at play causing this rise - think of how those factors might compound the situation)
 - b. If one of the roles of government is to keep its people safe, how could the state of Texas have avoided this statistic?
 - c. In moving forward, what can you do as a citizen to help lower crash fatalities?
 - d. Is there a bureaucratic department that could have stepped in to help with this issue? If so, which one(s)?



3. According to the CDC, the use of seatbelts substantially reduces car crash fatalities and various additional costs associated with motor vehicle collisions. In fact, Texas was one of the first states to pass mandatory seatbelt laws in 1985. Conduct an internet search to better answer the questions offered for consideration below:

- a. What is the CDC and what is their objective?
- b. Who is the current head of the CDC?
- c. Are they a department of the US Government? Or an Independent Agency?
- d. After a quick Google search on the CDC, what additional details did you discover?

4. The invention of self-driving autonomous cars is causing a disruption to the transportation market and forcing Americans to debate the pros and cons of these vehicles' existence.



- a. What might be some of those pros and cons?
- b. If you were a concerned citizen with a strong desire to address this issue, what government agency might you contact? Why?
- c. What US Senate, or House Committee might you contact to voice your concern? Why that one? (NOTE: There are certainly more than one committee that might hold a strong interest in your opinion on the matter - be sure to clearly explain why you picked the committee you picked.)
- d. What kind of regulations may be necessary in the future?



5. Many states, (but not Texas) have legalized or decriminalized marijuana for individuals 21 and over. This has had significant impact on the day-to-day practices of law enforcement and prosecutors in those states.

- a. Do you think marijuana should be a federal, state, or local issue? Why?
- b. In states that have legalized marijuana, what policies or laws do you think are still necessary to protect public safety? Should they mirror policies related to alcohol (which is legal for those 21 and over)?
- c. Regardless of whether a state has legalized marijuana or not, should local law enforcement agencies from different jurisdictions in a state collaborate to form uniform policies for handling marijuana cases? Why or why not?



Resources for future exploration:

1. **How the \$1.5 trillion infrastructure bill would impact rural America:**
https://www.capitalpress.com/ag_sectors/rurallife/how-the-1-5-trillion-infrastructure-bill-would-impact-rural-america/article_e6ace322-b6fa-11ea-936c-df62cc567f61.html
2. **Fatal car accidents spike in Texas during COVID -19:**
https://www.capitalpress.com/ag_sectors/rurallife/how-the-1-5-trillion-infrastructure-bill-would-impact-rural-america/article_e6ace322-b6fa-11ea-936c-df62cc567f61.html
3. **Article from the CDC regarding seat belt laws. Uploaded in 1998:**
<https://www.cdc.gov/mmwr/preview/mmwrhtml/00000596.htm#:~:text=Two%20states%20>
4. **Autonomous driving vehicles:**
<https://www.ncsl.org/research/transportation/autonomous-vehicles-legislative-database.aspx>
5. **Marijuana derivative:**
<https://www.nytimes.com/2021/02/27/health/marijuana-hemp-delta-8-thc.html?auth=link-dismiss-google1tap>



Traffic Safety Corner



The Texas Legislature Raises the Stakes on Pedestrian Safety

Ned Minevitz, Program Attorney & Senior TxDOT Grant Administrator, TMCEC

Traffic incidents involving pedestrians are on the rise in Texas. According to the Texas Department of Transportation, there were 5,366 Texas crashes involving pedestrians resulting in 841 fatalities in 2021—a 15% increase from 2020. Pedestrian deaths now account for approximately one in five of all Texas traffic deaths.¹ When the Texas Legislature convened in 2021, they addressed this issue head-on by passing S.B. 1055, which represents one of the Legislature’s strongest statements related to traffic safety in recent memory. Coined the “Lisa Torry Smith Act,” S.B. 1055’s passage was influenced in part by a 2017 tragedy involving a mother and son in Missouri City, Texas.

Lisa Torry Smith was walking her six-year-old son, Logan, to school in the Sienna Subdivision of Missouri City on October 19, 2017. While lawfully crossing the street, both Lisa and Logan were struck by an SUV. Lisa lost her life and Logan suffered severe bodily injuries. The driver was ultimately assessed a fine, but a Fort Bend County grand jury did not indict the driver on any charge related to Lisa’s death or Logan’s injuries. According to the prosecutors, no law existed at that time that clearly criminalized motorists injuring or killing pedestrians. Lisa’s husband and sister were outraged and began fighting to get the law changed.

S.B. 1055 represented a “rare act of bipartisanship”² by the Legislature. It created a new Class A misdemeanor, effective September 1, 2021, in Section 545.428 of the Transportation Code: it is now a crime for a person operating a motor vehicle to, with criminal negligence, cause bodily injury to a pedestrian or person operating a bicycle, motor-assisted scooter, electronic personal assistive mobility device, neighborhood electric vehicle, or golf cart in a crosswalk. If the motorist causes serious bodily injury, the offense may be enhanced to a state jail felony.³ It is an affirmative defense to prosecution if, at the time of the offense, the victim was in violation of a traffic law (e.g., crossing the street unlawfully).

Instances of Texas drivers potentially being charged with felonies under the new law are beginning to emerge. In February 2022, a 73-year-old bicyclist in southwest Houston was killed after being struck by a pickup truck. The driver stopped to render aid, did not appear to be intoxicated, and was not using his cell phone at the time of the collision. Despite this, prosecutors are currently considering charging the driver with a felony under the new law.⁴

While the new offense created by S.B. 1055 may not be filed in a municipal court, the bill made significant changes impacting certain Class C misdemeanor “Rules of the Road”⁵ offenses. As of September 1, 2021, under Sections 544.007(b) and (c) of the Transportation Code, motorists facing a green light or arrow must now stop and yield the right-of-way to pedestrians lawfully in an intersection before turning right or left.

Motorists must still only yield (not necessarily stop) to other motor vehicles that have the right-of-way in an intersection. Section 552.003(a) was also amended, which provides that motorists must now stop and yield to a pedestrian in a crosswalk with no traffic control signal when the pedestrian is either on the side of the road that the motorist is on or is approaching so closely from the opposite half of the road as to be in danger.⁶ Thus, it is generally now a Class C misdemeanor whenever a motorist fails to come to a complete stop before yielding to a pedestrian.

Will the Lisa Torrey Smith Act help reverse Texas’s negative pedestrian safety trajectory? How often will law enforcement cite drivers for failing to come to a complete stop before proceeding past a pedestrian lawfully in a crosswalk? Will municipal courts see an uptick in case filings? Will signage and public information campaigns adequately inform the public of the new law? However it shakes out, traffic safety stakeholders can all agree that the Lisa Torrey Smith Act is a step in the right direction.

For information on how you can help reverse Texas’s worsening pedestrian safety problem, [visit https://www.txdot.gov/inside-txdot/media-center/psas/pedestrians.html](https://www.txdot.gov/inside-txdot/media-center/psas/pedestrians.html).

1. Pedestrian Safety Campaign, Texas Department of Transportation, <https://www.txdot.gov/inside-txdot/media-center/psas/pedestrians.html>, (accessed August 2, 2022).
2. Seshadri Kumar, Pedestrian’s Death in Road Accident Gives Rise to Lisa Torrey Smith Act (Fort Bend Independent, July 13, 2021), <https://fb-independent.com/pedestrians-death-in-road-accident-gives-rise-to-lisa-torrey-smith-act-p14908-91.htm> (accessed August 1, 2022).
3. Section 1.07(a)(46) of the Penal Code defines serious bodily injury as “bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.”
4. Patrina Adger, Driver in Crash that Killed Bicyclist Could Face Felony Charge due to Lisa Torrey Smith Act (ABC-13 Eyewitness News (Houston), February 12, 2022), <https://abc13.com/lisa-torrey-smith-act-pedestrian-killed-houston-transportation-crosswalk-death/11557494/> (accessed August 2, 2022).
5. “Rules of the Road” offenses are located in Title 7, Subtitle C of the Transportation Code (Chapters 541-600). If no specific penalty is provided, they are punishable by a fine of \$1-200 plus court costs and may be filed in a municipal or justice court.
6. S.B. 1055’s amendments to Chapters 544 and 552 of the Transportation Code, unlike the new offense it creates in Chapter 545, apply only to “pedestrians.” Section 541.001(3) defines a pedestrian as a person “on foot.” Section 552A.0101(b) also provides that individuals using nonmotorized wheelchairs or motorized mobility devices are considered pedestrians. Therefore, the new “stop and yield” provisions do not apply if the person in the crosswalk is on a bicycle, motor-assisted scooter, or other vehicle.



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