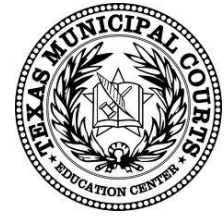


THE BRIEF



Information for Texas Municipalities about Texas Municipal Courts (September 2017)

Legislative Recap: Three Big Issues The Road Ahead for Municipal Courts

COURT COSTS AND FINES - H.B. 351 and S.B. 1913 aim to bolster existing protections for low-income criminal defendants. Each bill seeks to improve the assessment and collection of fines and court costs in courts with criminal jurisdiction, including municipal courts. Both bills:

- Require judges handling cases in open court to inquire about a defendant's ability to pay during or immediately after imposing fines and costs;
- Provide judges more leeway in using installment payments, community service, full or partial waiver, or any combination, when a defendant is unable to pay either the fine or court costs;
- Expand the meaning of community service to increase the number of ways to discharge fines and state-mandated court costs;
- Increase the minimum amount for jail time credit and community service from \$50 to \$100 for each day;
- Prohibit requiring the posting of a bail bond for a fine-only offense unless a defendant has failed to appear, and it is necessary to secure the defendant's appearance; and
- Create new notice requirements and opportunities for defendants to explain their financial circumstances to a court.

TEXTING WHILE DRIVING - H.B. 62, the Alex Brown Memorial Act, makes it a criminal offense to use a wireless communication device to read, write, or send an electronic message while driving a motor vehicle. For first-time offenders, texting while driving is punishable by a fine of up to \$99. The fine increases to between \$100 and \$200 for repeat offenders. (If the offense results in death or serious bodily injury, it is a misdemeanor punishable by a fine up to \$4,000 and up to a year in jail.) While H.B. 62 does supersede ordinances pertaining to texting while driving, it does not appear to preempt more restrictive ordinances pertaining to cell phone use while driving. Now is an ideal time for municipalities to review their related ordinances in light of the new law.

COURT SECURITY- Cities large and small will be affected by S.B. 42, the Judge Julie Kocurek Judicial and Courthouse Security Act. S.B. 42 requires presiding judges of all municipal courts to establish court security committees. The committee is required to include a representative of the city, a representative of the entity that

provides court security, and others the committee determines will be of assistance. A person assigned to provide court security is required to attend training and obtain court security certification.

***The Brief* is a periodic briefing for Texas mayors, city council members, and other local officials highlighting issues and increasing awareness and understanding of municipal courts in the Lone Star State. For more information visit: www.tmcec.com.**

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