

# THE BRIEF



Information for Texas Municipalities about Texas Municipal Courts (March 2024)

## Helping Local Governments Understand and Use the Local Consolidated Fee

Municipal courts play a vital role in preserving public safety, enhancing the quality of life in Texas communities, and deterring future criminal behavior. While this is directly tied to municipal courts' central purpose of the administration of justice, as a byproduct, municipal courts generate frequent (and sometimes substantial) incidental revenue for the cities that host municipal courts.

Incidental revenue is made up of fines and court costs. Fines are generally directed to the general fund of a municipality and face less restrictions in their use. Court costs are different. A large portion of court costs are sent to the state, and the ones that stay local frequently have statutory constraints directing them to be used for specific purposes. The best example of this is the Local Consolidated Fee (LCF). All Texas cities, regardless of population, stand to benefit from understanding these specific purposes.

The LCF is a \$14 court cost collected on all non-jailable misdemeanor offenses, including criminal violations of a municipal ordinance (Section 134.103, Local Government Code). Municipal treasurers are required by law to allocate the \$14 to four separate funds or accounts, based on percentages (outlined below). It is important to emphasize that the money in the fund or account may only be used for the purposes provided by law (Section 134.151(a), Local Government Code).

### **1. Municipal Court Building Security Fund, Art. 102.017, Code of Criminal Procedure**

In each case, \$4.90 of the LCF must be allocated to the Municipal Court Building Security Fund. Monies in this fund are administered under the direction of the governing body of the municipality. Funds may only be used for security personnel, services, and items related to buildings that house the operation of municipal courts.

“Security personnel, services, and items” includes: (1) the purchase or repair of X-ray machines and conveying systems; (2) handheld metal detectors; (3) walkthrough metal detectors; identification cards and systems; (4) electronic locking and surveillance equipment; (5) video teleconferencing systems; (6) bailiffs, deputy sheriffs, deputy constables, or contract security personnel during times when they are providing appropriate security services; (7) signage; (8) confiscated weapon inventory and tracking systems; (9) locks, chains, alarms, or similar security devices; (10) the purchase or repair of bullet-proof glass; (11) continuing education on security issues for court personnel and security personnel; and (12) warrant officers and related equipment.

While the list above is not exhaustive, every requested expenditure should be evaluated based on the criteria outlined in the statute. Is the expenditure considered security personnel, services, or items? Does it relate to the building that houses the operation of our municipal courts? These are the central questions that should guide a governing body in the use of these funds consistent with state law in a way that withstands the scrutiny of an audit and promotes public confidence.

## **2. Local Youth Diversion Fund, Section 134.156, Local Government Code**

In each case, \$5.00 of the LCF is to be placed in the Local Youth Diversion Fund. In a city that employs or contracts a juvenile case manager, monies may be used to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of juvenile case manager. If there are monies left over, the remainder can be used to implement programs directly related to the duties of the juvenile case manager.

Since the implementation of the local consolidated fee in January of 2020, every municipal court in Texas has collected \$5.00, yet the majority of municipal courts did not employ or contract for the services of a juvenile case manager and, therefore had no legal way to expend the monies in this fund. H.B. 3186 passed by the 88<sup>th</sup> Regular Legislature amended Section 134.156 of the Local Government Code, allowing more avenues of expenditure for local governments.

If a city does not employ a juvenile case manager or contract for juvenile case manager services, monies may be used for the support of a local mental health authority, juvenile alcohol and substance abuse programs, educational and leadership programs, teen court programs, and any other project designated to prevent or reduce the number of juvenile referrals to court. Money in the fund, however, may not be used to supplement the income of an employee whose primary role is not that of a juvenile case manager.

## **3. Municipal Court Technology Fund, Article 102.0172, Code of Criminal Procedure**

In each case, \$4.00 of the LCF must be placed into the technology fund. The Municipal Court Technology Fund may be used only to finance the purchase of or to maintain technological enhancements for a municipal court including (1) computer systems; (2) computer networks; (3) computer hardware; (4) computer software; (5) imaging systems; (6) electronic kiosks; (7) electronic ticket writers; and (8) docket management systems.

The fund shall be administered by or under the direction of the governing body. Expenditures should be directly linked to the purpose of the fund according to state law. Decisions should be guided according to whether they relate to technological enhancements for the municipal court.

## **4. Municipal Jury Fund, Section 134.154, Local Government Code**

Money allocated to the municipal jury fund may be used by a municipality only to fund juror reimbursements and otherwise finance jury services. While state law does not require cities to pay or reimburse municipal court jurors, it is not prohibited. The Municipal Jury Fund provides a funding mechanism for cities who want to provide reimbursement in an amount determined by the city. Other costs related to jury services could include the cost of mailing jury summons and food and beverages provided to jurors during service.

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*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. *The Brief* is part of TMCEC's public information and education campaign, *Councils, Courts, and Cities* (C3). For more information about TMCEC, visit: [www.tmcec.com](http://www.tmcec.com).

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