Texas Municipal Courts Education Center

2024 Forms Book

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PREFACE

This is the Texas Municipal Courts Education Center's *2024 Forms Book*, Sixteenth Edition, with changes incorporated from the 88th Legislature. Several forms have changed due to statutory amendments, and multiple new forms have been created to ensure that municipal courts have most, if not all, of the forms necessary to efficiently and effectively process cases and serve the ends of justice. Look for the NEW icon on each chapter's table of contents to indicate forms that have been added and the Updated icon to indicate forms that have changed since the last edition. The new form, Application for Expunction: Alcoholic Beverage Code Offenses – Arrest, reflects changes to Section 106.12 of the Alcoholic Beverage Code related to expunction. Updated forms include the Warrant of Arrest: Magistrate, Affidavit for Blood Search Warrant, and Affidavit for Blood Search Warrant Submitted by Telephone or Other Electronic Means. Magistrates' signed orders pertaining to criminal matters must include, in addition to a signature, the magistrate's name in legible handwriting, legible typewritten form, or legible stamp print. Art. 2.101, C.C.P. The blood warrant forms reflect the new offense of Boating While Intoxicated with Child Passenger (Section 49.061 of the Penal Code).

One major bill from the 88th Legislative Session was youth diversion. To align municipal and justice court practices with those used by juvenile probation and juvenile courts, the 88th Texas Legislature passed H.B. 3186 (the Texas Youth Diversion and Early Intervention Act), which increases opportunities for early identification of at-risk youth and for redirecting children accused of certain Class C misdemeanors. The changes in this bill apply to non-traffic offenses committed on or after January 1, 2025. For forms related to youth diversion, go to the TMCEC Youth Diversion webpage at tmcec.com/youth-diversion.

Take a few moments to review each new and updated form and determine whether it might be of benefit to your court. Note that the top of each form includes a heading containing our title for the form and its statutory basis. Editor's notes are located on some forms to highlight important changes or resources for further guidance. Your court may delete all this information for practical use. Italicized language is intended to direct and assist in filling in the form and may also be deleted. Remember that all papers issued out of the court (except for subpoenas) and all documents of the court that need authenticating should bear the municipal court's seal. Feel free to modify these forms to accommodate the needs of your court.

We are constantly revising the forms within this publication, and we greatly appreciate suggestions and examples from municipal courts across the state to help make this book as useful and accurate as possible. Please note: H.B. 4504 recodifies Chapter 45 of the Code of Criminal Procedure as Chapter 45A and takes effect January 1, 2025. Therefore, TMCEC will publish a 2025 edition of the *Forms Book* to reflect the new article numbers created by the bill. Subsequently, this book will be revised as needed to reflect any changes made by the next legislative session and Texas courts. **Always check the online version of the Forms Book for the most current forms.**

CAVEAT

This book is intended to serve only as a guide and to provide accurate and current information. However, it is published with the intention that TMCEC is not engaged in rendering legal or other professional advice. All users must be responsible for their own legal drafting. Legal drafting should be accompanied by legal advice and direction from the city attorney.

TMCEC and its employees do not warrant, either expressly or implicitly, that the forms and information in this volume have not been subject to change, amendment, reversal, or revision. To the contrary, these forms are as they appeared on the date of publication. Always check online for the most current forms at www.tmcec.com/resources/books/forms_book/.

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Note: Forms for youth diversion can be found at www.tmcec.com/youth-diversion. Forms for civil truancy cases can be found at www.tmcec.com/truancy.

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ABBREVIATIONS
USED IN THIS FORMS BOOK

A.B.C.	Alcoholic Beverage Code
Art.	Article
C.C.P.	Code of Criminal Procedure
E.C.	Education Code
F.C.	Family Code
G.C.	Government Code
H.S.C.	Health and Safety Code
JNA	Juvenile Now Adult
No.	Number
P.C.	Penal Code
Sec.	Section
T.C.	Transportation Code
TMCEC	Texas Municipal Courts Education Center
VACS	Vernon's Annotated Civil Statutes



OATHS

OATHS

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THE STATE OF TEXAS

Statement of Appointed Officer
(Please type or print legibly)

I, _____, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment, as a reward to secure my appointment or confirmation thereof, so help me God.

_____
Affiant

_____
Office to Which Appointed

_____
City

Sworn to and subscribed before me by affiant on this _____ day of _____, 20___.

_____
Signature of Person Administering Oath

(municipal court seal)

_____
Printed Name

_____
Title

Editor's Note: File with your city before filing the Oath of Office.

ANTI-BRIBERY OATH OF ELECTED OFFICER (Pursuant to Tex. Const. Art. XVI, Sec. 1(b), amended 2001)

THE STATE OF TEXAS

Statement of Elected Officer
(Please type or print legibly)

I, _____, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected, so help me God.

_____
Affiant

_____
Office to Which Appointed

_____
City

Sworn to and subscribed before me by affiant on this _____ day of _____, 20___.

_____
Signature of Person Administering Oath

(municipal court seal)

_____
Printed Name

_____
Title

Editor's Note: File with your city before filing the Oath of Office.

IN THE NAME AND BY THE AUTHORITY OF

THE STATE OF TEXAS

Oath of Office

I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____ of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and the laws of the United States and of this State, so help me God.

_____
Affiant

Sworn to and subscribed before me by affiant on this _____ day of _____, 20___.

_____
Signature of Person Administering Oath

(municipal court seal)

_____
Printed Name

_____
Title

Editor's Note: File with records of your office.

OATH FOR A LANGUAGE INTERPRETER

"I, _____, (am a state licensed interpreter for) (am not a state licensed interpreter, but I have experience, training, or education in) the _____language with a (basic) (master) license designation.

I, _____, do swear (or affirm) that I will truly and correctly interpret for the court, jury, attorneys, defendant, and the person being examined in all of the proceedings in this case into the language the (witness) (person charged) understands, and I will repeat the statements made by said (witness) (person charged) in the English language to the best of my skill and judgment (so help me God).

I shall not influence or attempt to influence or give my personal views regarding any part of the proceedings or the evidence presented at this trial to the (witness) (person charged)."

_____
Signature of Interpreter

_____
(Judge) (Clerk) (Bailiff), Municipal Court

City of _____

_____ County, Texas

Editor's Note: Article 38.30(a), C.C.P., requires that an interpreter be sworn to interpret for the person charged or the witness. Although there is no statutory requirement that the oath be taken in writing, signed, or filed in the court's record, it is recommended to ensure some documentation that the oath requirement has been met. This is especially true in courts of non-record where there is no transcript.

Generally, appointed interpreters must be licensed by the Judicial Branch Certification Commission (JBCC). To interpret in a municipal court of record, the interpreter must hold a license with a master designation, unless the proceeding is one in which the judge is acting as a magistrate. In that case, and for all interpreter appointments in municipal courts of non-record, the appointed interpreter may hold a license with the basic designation. Sec. 157.101(d), G.C.

Courts in cities located in counties that have a population of less than 50,000 are not required to appoint a state licensed interpreter. But any interpreter who is appointed must be qualified as an expert under the Texas Rules of Evidence, must be at least 18 years of age, and may not be a party to the proceeding. In a county of 50,000 or more, if the language needing translation is not Spanish and a licensed interpreter is not available within 75 miles of the court, the court may swear a non-licensed interpreter subject to the same qualifications. Sec. 57.002, G.C. A qualified telephone interpreter may be sworn to interpret before a judge or magistrate if an interpreter is not available to appear in person at the proceeding or if the only available interpreter is not considered to possess adequate interpreting skills for the particular situation or is unfamiliar with the use of slang. A "qualified telephone interpreter" means a telephone service that employs (1) licensed court interpreters, licensed by the State of Texas under Sec. 157.001, G.C.; or (2) federally certified court interpreters. Art. 38.30, C.C.P.

OATH FOR INTERPRETER FOR DEAF OR HARD OF HEARING (JUROR) (DEFENDANT) (WITNESS)

"I, _____, am a qualified interpreter for the deaf who holds a current legal certificate issued by the National Registry of Interpreters for the Deaf or a current court interpreter certificate issued by the Board of Evaluation of Interpreters at the Department of Assistive and Rehabilitative Services.

I do swear or affirm that I will make a true interpretation to the (juror) (defendant) (witness) of all the proceedings (and deliberations of the jury) in this case in a language that he/she understands; and that I shall repeat said deaf person's statements, questions, and answers to counsel, the court, or the jury, in the English language, in my best skill and judgment.

(I shall not influence or attempt to influence or give my personal views regarding any part of the proceedings or the evidence presented at this trial to any juror or jurors and shall not divulge to any person any part of the jury's deliberations under penalty of perjury.)"

_____
Signature of Interpreter

_____
(Judge) (Clerk) (Bailiff), Municipal Court

City of _____

_____ County, Texas

Editor's Note: Article 38.31(e), C.C.P., requires that an interpreter appointed under that section for a defendant or a witness take an oath. Although there is no statutory requirement that the oath be taken in writing, signed, or filed in the court's record, it is recommended to ensure some documentation that the oath requirement has been met. This is especially so in courts of non-record where there is no transcript.

COMPLAINTS



COMPLAINTS

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Editor's Note: Sample complaints for several state law offenses can now be found on the TMCEC website at: **www.tmcec.com/resources/complaints.** TMCEC encourages cities to submit model complaints for various state law Class C misdemeanors to help build the Complaint Bank. Email them to tmcec@tmcec.com.

This chapter includes a model complaint for both state law offenses and city ordinance violations, showing the statutory requirements for a complaint under Article 45.019, C.C.P. Also included is a model application for a citizen wishing to file a complaint against another citizen in the municipal court. Upon review of this application, the city prosecutor would determine whether to file a complaint (formal charging instrument) against a defendant under Article 45.019, C.C.P. The citizen-complainant could then sign the complaint as affiant. Note, however, that in municipal court, anyone can file a complaint and swear to it as affiant. Thus, this "application" process is not legally necessary, just a suggested form for cities that choose to implement a policy providing for prosecutor review.

MODEL COMPLAINT FOR STATE LAW VIOLATIONS (Art. 45.019, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

In the name and by the authority of the State of Texas:

I, the undersigned affiant, do solemnly swear that I have good reason to believe and do believe that _____, hereinafter called the Defendant, on or about the _____ day of _____, 20___, and before the making and filing of this complaint, in the territorial limits of the City of _____, and the State of Texas, the Defendant did then and there **(allege culpable mental state: intentionally, knowingly, recklessly, or with criminal negligence; include all elements of the offense, including the name of the victim or location if that is an element; and negate any exceptions permitted by statute)**.

Against the peace and dignity of the State.

_____
Affiant

Sworn and subscribed before me by _____, a credible person, this _____ day of _____, 20___.

(municipal court seal)

_____
(Clerk)(Deputy Clerk), Municipal Court

City of _____

_____County, Texas

Editor's Note: Although complaints in municipal court are often sworn to before a court clerk or deputy clerk, the jurat (person before whom the affiant swears to the complaint) can also be the judge, city attorney, deputy city attorney, or city secretary. Art. 45.019(e), C.C.P.

MODEL COMPLAINT FOR CITY ORDINANCE VIOLATIONS (Art. 45.019, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

In the name and by the authority of the State of Texas:

I, the undersigned affiant, do solemnly swear that I have good reason to believe and do believe that _____, hereinafter called the Defendant, on or about the _____ day of _____, 20___, and before the making and filing of this complaint, in the territorial limits of the City of _____, and the State of Texas, the Defendant did then and there **(allege culpable mental state: intentionally, knowingly, recklessly, or with criminal negligence; include all elements of the offense, including the name of the victim or location if that is an element; and negate any exceptions permitted by the ordinance)**.

Against the peace and dignity of the State and contrary to the said ordinance.

_____
Affiant

Sworn and subscribed before me by _____, a credible person, this _____ day of _____, 20___.

(municipal court seal)

_____
(Clerk)(Deputy Clerk), Municipal Court

City of _____

_____County, Texas

Editor's Note: Although complaints in municipal court are often sworn to before a court clerk or deputy clerk, the jurat (person before whom the affiant swears to the complaint) can also be the judge, city attorney, deputy city attorney, or city secretary. Art. 45.019(e), C.C.P.

MODEL APPLICATION FOR CITIZEN COMPLAINT (Page 1 of 3)

TO: CITIZEN COMPLAINANT WISHING TO FILE A COMPLAINT AGAINST ANOTHER CITIZEN

THESE SPECIFIC POINTS ARE UNDERSTOOD BY THE UNDERSIGNED:

1) The citizen must, in good faith, make full, fair, and honest disclosure of all facts and circumstances known to him/her at the time this application for complaint is filed. The facts, as presented, must be in the form of an affidavit and provided under oath. Said affidavit will form the basis of any further investigation and the charging instrument.

2) The citizen-complainant must be sworn and sign both the application for complaint and the complaint (when prepared by the city prosecutor).

3) The citizen-complainant must be willing to appear in Court to testify against the defendant if the charges are contested (i.e., the accused pleads not guilty).

4) The prosecutor reserves the right to subpoena the presence of the citizen-complainant and enforce the subpoena by ordering a police officer to bring the citizen-complainant to Court.

5) The defendant may file a counter-complaint if the citizen-complainant has also been involved in some illegal activity. Please be advised that any statement made at this time or in the future to a police officer, prosecutor, or other city investigative personnel may be used against you should the counter-complaint go forward to trial. Please be advised that, when speaking to the prosecutor, the prosecutor represents the State of Texas and no attorney-client relationship is established by any communications with regard to the application for the complaint or any matters related thereto.

6) Once this complaint is accepted by the prosecutor and filed with the court, only the judge, upon recommendation of the prosecutor, has the authority to dismiss a complaint.

_____
Citizen-Complainant Signature

_____
Date

Editor's Note: A citizen's complaint is unrelated to criminal procedure in that it cannot act as a charging document. Rather, it is an allegation of misconduct by a person (typically a resident) against another person (typically either a public official or city employee). A prosecutor reviews and approves a citizen's complaint before moving forward with more formal charges. Rather than being a part of the judicial process, the citizen's complaint is generally considered a part of maintaining public relations and the confidence of local citizens. See Ryan Kellus Turner, *Complaints, Complaints, Complaints: Don't Let the Language of the Law Confuse You*, THE RECORDER (July 2004).

APPLICATION FOR COMPLAINT

DATE: _____

COMPLAINANT'S NAME: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

PHONE (HOME): _____ WORK: _____

NAME OF DEFENDANT: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

PHONE (HOME): _____ WORK: _____

PLACE OF EMPLOYMENT: _____

DESCRIPTION OF DEFENDANT

RACE: _____ SEX: _____ DATE OF BIRTH: _____

WEIGHT: _____ BODY STYLE: _____ AGE: _____

VEHICLE INFORMATION (IF APPLICABLE)

MODEL: _____ MAKE: _____ YEAR: _____

COLOR: _____ BUILD: _____ SPECIAL FEATURES: _____

LICENSE PLATE: _____ STATE OF REGISTRATION: _____

DATE OF OFFENSE: _____ TIME OF OFFENSE: _____

LOCATION OF OFFENSE: _____

TYPE OF PREMISES: _____

WHAT IS YOUR COMPLAINT? (Describe with as much detail as possible – use as many pages as necessary to fully, fairly, and honestly relate all material facts and circumstances.)

_____

_____

_____

_____

_____

_____

_____

_____

LIST OF WITNESSES (Use additional pages if necessary.)

NAME: _____

ADDRESS: _____

CITY, STATE, ZIP _____

PHONE (HOME): _____ WORK: _____

NAME: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

PHONE (HOME): _____ WORK: _____

NAME: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

PHONE (HOME): _____ WORK: _____

I swear that the statements made herein are within my personal knowledge and are true and correct.

_____ _____

Citizen Complainant's Signature Date

_____ _____

Court Clerk's Signature Filing Date

DO NOT WRITE BELOW THIS LINE

REVIEWED BY: _____ (City Prosecutor)

RECOMMENDATION: _____



SUBPOENAS & SUMMONSES

SUBPOENAS & SUMMONSES

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SUMMONS FOR DEFENDANT (Arts. 23.03 and 23.04, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

TO ANY PEACE OFFICER OF THE STATE OF TEXAS – GREETINGS:

YOU ARE HEREBY COMMANDED TO SUMMON Defendant _____, residing at _____, to appear before the Municipal Court of the City of _____, _____ County, Texas at _____o'clock ____.m., on the _____ day of _____, 20___, then and there to answer to the State of Texas by and through the City of _____ for a misdemeanor offense committed against the laws of the State of Texas (an ordinance of the said city), to wit: _____, of which offense Defendant is accused by written complaint, under oath by _____.

Defendant:

Failure to appear may result in your arrest.

It is an offense for a person to intentionally influence or coerce a witness to testify falsely or to elude legal process. It is also a felony offense to harm or threaten to harm a witness or prospective witness in retaliation for or on account of the service of the person as a witness or to prevent or delay the person's service as a witness to a crime.

Faltar a comparecer puede resultar en su arresto.

Es una ofensa que una persona intencionalmente ejerza influencia o coerción sobre un testigo para que testifique falsamente o para eludir el proceso legal. También es una ofensa de delito grave, o felonía, dañar o amenazar a un testigo o testigo en prospecto por retaliación por o debido al servicio que la persona presta como testigo, o prevenir o dilatar los servicios de la persona como testigo de un crimen.

HEREIN FAIL NOT, and make due return hereof, showing how you executed the same.

WITNESS my official signature, this _____ day of _____, 20____.

(municipal court seal)

_____
Judge, Municipal Court

City of _____

_____, County, Texas

.....

OFFICER'S RETURN

Came to hand the _____ day of _____, 20___, at _____o'clock ____.m., and executed the _____ day of _____, 20___ at ____o'clock _____.m. by ☐ Delivering a copy of this Summons to the Defendant personally ☐ Leaving a copy of this Summons at the Defendant's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein ☐ Mailing a copy of this Summons to the Defendant's last known address.
Returned on this the ___day of _____, 20___.

Address:

_____ _____
Peace Officer's Signature

_____

PARENTAL SUMMONS (Arts. 45.0215 and 45.057(e))

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**
A Minor Child		

TO ANY PEACE OFFICER OF THE STATE OF TEXAS - GREETINGS:

YOU ARE HEREBY COMMANDED TO SUMMON _____*(name of parent, managing conservator, or guardian)*_____ to personally appear at ____o'clock ___.m., on the _____ day of _____, 20____ , before the Municipal Court of the City of _____, _____ County, Texas.

To the person named above:

You are **ORDERED** to personally appear **AND** to bring the defendant, _____*(name of child)*_____, a minor child, with you to the Municipal Court at the time and place stated above and to appear and be present during the taking of the defendant's plea and all other proceedings relating to the case. Failure to appear may be punishable as a Class C misdemeanor.

It is an offense for a person to intentionally influence or coerce a witness to testify falsely or to elude legal process. It is also a felony offense to harm or threaten to harm a witness or prospective witness in retaliation for or on account of the service of the person as a witness or to prevent or delay the person's service as a witness to a crime.

Se le ordena que comparezca personalmente y traiga a _____ *(nombre del niño)*, un niño menor, con usted al Tribunal Municipal a la hora y el lugar determinado arriba y que comparezca y esté presente durante la toma de declaración del demandado y en todos los procesamientos relacionados con el caso. La falta a comparecer puede ser castigada como un delito de crimen menor Clase C.

Es una ofensa que una persona intencionalmente ejerza influencia o coerción sobre un testigo para que testifique falsamente o para eludir el proceso legal. También es una ofensa de delito grave, o felonía, dañar o amenazar a un testigo o testigo en prospecto por retaliación por o debido al servicio que la persona presta como testigo, o prevenir o dilatar los servicios de la persona como testigo de un crimen.

HEREIN FAIL NOT, and make due return hereof, showing how you executed the same.

WITNESS my official signature, this _____ day of _____, 20___.

(municipal court seal)

_____
Judge, Municipal Court
City of _____

_____ County, Texas

.....

OFFICER'S RETURN

Came to hand the _____ day of _____, 20___, at _____o'clock ____.m., and executed the _____ day of _____, 20___ at ____o'clock _____.m. by ☐ Delivering a copy of this Summons to the person personally ☐ Leaving a copy of this Summons at the person's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein ☐ Mailing a copy of this Summons to the person's last known address.

Returned on this the _____day of _____, 20____.

Address:

_____
_____
_____

_____
Peace Officer's Signature

CORPORATE SUMMONS (Art. 17A.03, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

TO ANY PEACE OFFICER OF THE STATE OF TEXAS – GREETINGS:

YOU ARE HEREBY COMMANDED TO SUMMON _____, acting as registered agent (president*)(vice-president*) for _____, a corporation under the laws of the State of Texas, to appear before the Municipal Court of the City of _____, _____ County, Texas, at or before 10 o'clock a.m. on the Monday next after the expiration of 20 days from the date of service of this Summons, then and there to answer to the State of Texas by and through the City of _____ for a misdemeanor offense committed by the Corporation, as Defendant, against the laws of the State of Texas (an ordinance of the said city), to wit: _____, of which offense the Defendant is accused by written complaint, under oath by _____.

HEREIN FAIL NOT, and make due return hereof, showing how you executed the same.

WITNESS my official signature, this _____ day of _____, 20____.

(municipal court seal)

_____
Judge, Municipal Court

City of _____

_____, County, Texas

.....

OFFICER'S RETURN

Came to hand the _____ day of _____, 20___, at _____o'clock ____.m., and executed the _____ day of _____, 20___ at ____o'clock _____.m. by ☐ Personally delivering a copy of this Summons to the corporation's registered agent (*president)(*vice-president) ☐ Personally delivering a copy to the Texas Secretary of State, his/her deputy or clerk, after diligently but unsuccessfully attempting to effect service on the registered agent (*president)(*vice-president).

Returned on this the ___day of _____, 20___.

_____
Peace Officer's Signature

Editor's Note: Attach to this summons a certified copy of the complaint against the corporate defendant.

*If a registered agent has not been designated or cannot with reasonable diligence be found at the registered office, then the peace officer shall serve the summons by personal delivery to the president or vice-president of the corporation. *See* Article 17A.04, C.C.P., for rules on service.

SUBPOENA FOR WITNESS (Art. 24.01, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

TO ANY PEACE OFFICER OF THE STATE OF TEXAS – GREETINGS:

YOU ARE HEREBY COMMANDED TO SUMMON _____ to appear before the Municipal Court of the City of _____, _____ County, Texas on the _____ day of _____, 20___, at _____ o'clock ___.m., then and there to testify as a witness on behalf of the (State) (Defense), in the above styled and numbered cause now pending before said Court, and there to remain from day to day, and from term to term, until discharged by said Court.

HEREIN FAIL NOT, and make due return hereof, showing how you executed the same.

WITNESS my official signature, this _____ day of _____, 20___.

_____
(Judge) (Clerk) (Deputy Clerk), Municipal Court

City of _____

_____County, Texas

.....

OFFICER'S RETURN

Came to hand the _____ day of _____, 20___, and executed the _____ day of _____, 20___, by

☐ reading the subpoena in the hearing of the witness at _____ o'clock _____.m.
☐ delivering a copy of the subpoena to the witness at _____ o'clock _____.m.
☐ electronically transmitting a copy of the subpoena, acknowledgement of receipt requested, to the witness's last known electronic address, to wit: _____, and acknowledgement of receipt attached.
☐ mailing a copy of the subpoena by certified mail, return receipt requested, to the witness's last known address, to wit: _____, and by delivery of the return receipt, attached hereto, to me by the United States Postal Service on the _____ day of _____, 20___.

or not executed as to the witness because _____, the diligence used in finding said witness being:

and the information received as to the whereabouts of the said witness being:

Returned on this the _____ day of _____, 20___.

_____
Official Signature of Executing Officer

Editor's Note: The person named in the subpoena to summon the witness may, in lieu of a peace officer, be any person at least 18 years of age who is not a participant in the proceeding. Art. 24.01(b)(2), C.C.P. If a subpoena is being served on the witness by electronic mail, the subpoena must contain notice that an acknowledgement of receipt of the subpoena must be made in a manner enabling verification of the person acknowledging receipt. Art. 24.04(c), C.C.P. A subpoena cannot be served by certified mail if the applicant for the subpoena makes that request in writing or if the proceeding for which the witness is being subpoenaed is set to begin within seven business days after the date the subpoena would be mailed. Art. 24.04(a)(4), C.C.P.

SUBPOENA FOR CHILD WITNESS (Art. 24.011, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

TO ANY PEACE OFFICER OF THE STATE OF TEXAS – GREETINGS:

YOU ARE HEREBY COMMANDED TO SUMMON _____, a person having custody, care, or control of _____ *(name of child witness)*, a child, to produce the said child before the Municipal Court of the City of _____, _____ County, Texas on the _____ day of _____, 20___, at _____ o'clock ___.m., then and there to testify as a witness on behalf of the (State) (Defense), in the above styled and numbered cause now pending before said Court, and there to remain from day to day, and from term to term, until discharged by said Court.

HEREIN FAIL NOT, and make due return hereof, showing how you executed the same.

WITNESS my official signature, this _____ day of _____, 20___.

_____
(Judge) (Clerk) (Deputy Clerk), Municipal Court

City of _____

_____County, Texas

.....

OFFICER'S RETURN

Came to hand the _____ day of _____, 20___, and executed the _____ day of _____, 20___, by

☐ reading the subpoena in the hearing of the witness at _____ o'clock _____.m.
☐ delivering a copy of the subpoena to the witness at _____ o'clock _____.m.
☐ electronically transmitting a copy of the subpoena, acknowledgement of receipt requested, to the witness's last known electronic address, to wit: _____, and acknowledgement of receipt attached.
☐ mailing a copy of the subpoena by certified mail, return receipt requested, to the witness's last known address, to wit: _____, and by delivery of the return receipt, attached hereto, to me by the United States Postal Service on the _____ day of _____, 20___.

or not executed as to the witness because _____, the diligence used in finding said witness being: _____
_____,
and the information received as to the whereabouts of the said witness being: _____.

Returned on this the _____ day of _____, 20___.

_____
Official Signature of Executing Officer

SUBPOENA DUCES TECUM (Art. 24.02, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

TO ANY PEACE OFFICER OF THE STATE OF TEXAS - GREETINGS:

YOU ARE HEREBY COMMANDED TO SUMMON _____ to be and personally appear at _____ o'clock ___.m., on the _____ day of _____, 20___, before the Municipal Court of the City of _____, _____ County, Texas, to be held within and for said City at *(address of court)* _____

_____

then and there to testify and the truth to speak on behalf of the (State) (Defense) in the above styled and numbered cause now pending before said Court, and there to remain from day to day, and from term to term, until discharged by said Court. Said above named witness(es) is (are) further commanded to produce at said time and place above set forth the following books, papers, documents, or other tangible things, to wit: _____

_____

_____.

HEREIN FAIL NOT, and make due return hereof, showing how you executed the same.

WITNESS my official signature, this _____ day of _____, 20___.

_____
(Judge) (Clerk) (Deputy Clerk), Municipal Court
City of _____
_____County, Texas

.....

OFFICER'S RETURN

Came to hand the _____ day of _____, 20___, and executed the _____ day of _____, 20___, by

☐ reading the subpoena in the hearing of the witness at _____ o'clock _____.m.
☐ delivering a copy of the subpoena to the witness at _____ o'clock _____.m.
☐ electronically transmitting a copy of the subpoena, acknowledgement of receipt requested, to the witness's last known electronic address, to wit: _____, and acknowledgement of receipt attached.
☐ mailing a copy of the subpoena by certified mail, return receipt requested, to the witness's last known address, to wit: _____, and by delivery of the return receipt, attached hereto, to me by the United States Postal Service on the _____ day of _____, 20___.

or not executed as to the witness because _____, the diligence used in finding said witness being: _____

_____,
and the information received as to the whereabouts of the said witness being:_____.

Returned on this the _____ day of _____, 20___.

_____
Official Signature of Executing Officer

Editor's Note: See note on *Subpoena for Witness*, which applies for all subpoenas.

WRIT OF ATTACHMENT FOR WITNESS DISOBEYING SUBPOENA (Arts. 24.11 and 24.12, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

TO ANY PEACE OFFICER OF THE STATE OF TEXAS – GREETINGS:

YOU ARE HEREBY COMMANDED TO TAKE THE BODY OF _____ and bring him/her before the Municipal Court of the City of _____, located at _____ _____:

☐ **immediately**

☐ **at _____ o'clock ___.m. on the _____ day of _____, 20____**

then and there to testify as a witness on behalf of the (State) (Defense) in the above styled and numbered case now pending before this Court.

HEREIN FAIL NOT, and make due return hereof, showing how you executed the same.

WITNESS my official signature, this _____ day of _____, 20___.

(municipal court seal)

_____
(Judge) (Clerk) (Deputy Clerk), Municipal Court

City of _____

_____ County, Texas

.....

OFFICER'S RETURN

Came to hand the _____ day of _____, 20___, and executed on the _____ day of _____, 20___, by taking the body of the above named person and bringing him/her before the court at _____ o'clock ____.m.

Returned on this the _____ day of _____, 20___.

_____
Officer's Signature

Editor's Note: A judge may only issue a writ of attachment requested under Article 24.12 after a hearing and determination that it is in the best interest of justice. The court shall appoint an attorney for the witness at the hearing. A request for an attachment must include an affidavit of the attorney representing the state or the defendant, as applicable, stating that the affiant has good reason to believe, and does believe, that the witness is a material witness. *See* Article 24.111, C.C.P.

(municipal court seal)

MUNICIPAL COURT

CITY OF _____

TO WHOM IT MAY CONCERN:

This is to certify that _____ appeared in response to an official witness subpoena in the Municipal Court, City of _____, Texas at _____ o'clock ___.m., this date and [he][she] [did][did not] serve as a witness and was released from witness subpoena at _____ o'clock ___.m., this date by the Judge, Municipal Court, City of _____, _____ County, Texas.

This the _____ day of _____, 20____.

_____
(Judge)(Bailiff)(Clerk), Municipal Court
City of _____
_____ County, Texas



WARRANTS & CAPIASES

WARRANTS & CAPIASES

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CHRONOLOGICALLY DISTINGUISHING THE WARRANT, CAPIAS, AND CAPIAS PRO FINE IN THE TEXAS CODE OF CRIMINAL PROCEDURE

Purpose	Prior to Formal Charging	After Formal Charging but Prior to Judgment	After Judgment and Sentence
Bond Forfeiture or Surrender of Principal	"Arrest Warrant" by *Magistrate* – Article 17.19	"Chapter 23 Capias" by *Trial Court*	
To Procure Custody	"Arrest Warrant" upon oath or affirmation & determination of probable cause by *Magistrate* – Specific Provision: Article 45.014 "Arrest Warrant" by *Municipal Court or Justice Court*	"Chapter 23 Capias" by *Trial Court* – Specific Provision: Article 45.014 "Arrest Warrant" by *Municipal Court or Justice Court*	"Chapter 43 Capias" by *Trial Court* – Article 43.015(1) – Article 43.04
To Enforce Judgment for Unpaid Fines and/or Costs			"Capias Pro Fine" by *Trial Court* ❖ General Provisions – Article 43.015(2) – Article 43.021 – Article 43.05 – Article 43.06 – Article 43.07 ❖ Specific Procedures in Chapter 45 Courts – Article 45.045 – Article 45.046 ❖ Specific Procedures in Other Trial Courts – Article 43.03

WARRANT OF ARREST: JUDGE (Art. 45.014, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

THE STATE OF TEXAS, TO ANY PEACE OFFICER OF THE STATE OF TEXAS - GREETINGS:

You are hereby commanded to arrest _____, Defendant, and bring (him) (her) before the Municipal Court named above on the ____ day of _____, 20___. Said Defendant has been accused of the fine-only misdemeanor offense: _____, which is against the laws of the State of Texas and/or against the city ordinances of said city.

Herein fail not, but make due service and return of this warrant of arrest, showing how you executed the same.

Signed this _____ day of _____, 20__.

(municipal court seal)

_____
Judge, Municipal Court
City of _____

_____ County, Texas

.....

OFFICER'S RETURN

Came to hand the _____ day of _____, 20__, at _____ o'clock ___.m. and executed on the _____ day of _____, 20__, at _____ o'clock ___.m. by _____ _____.

_____
Peace Officer

Editor's Note: A judge may not issue an arrest warrant for the defendant's failure to appear at the initial court setting, including failure to appear as required by a citation issued under Article 14.06(b), unless: (1) the judge provides by telephone or regular mail to the defendant notice that includes: (a) a date and time, occurring within the 30-day period following the date that notice is provided, when the defendant must appear before the justice or judge; (b) the name and address of the court with jurisdiction in the case; (c) information regarding alternatives to the full payment of any fine or costs owed by the defendant, if the defendant is unable to pay that amount; (d) a statement that the defendant may be entitled to a credit toward any fine or costs owed by the defendant if the defendant was confined in jail or prison after the commission of the offense for which the notice was given; and (e) an explanation of the consequences if the defendant fails to appear before the justice or judge as required by this article; and (2) the defendant fails to appear before the judge. A judge shall recall an arrest warrant for the defendant's failure to appear if, before the warrant is executed, the defendant voluntarily appears to resolve the warrant, makes a good faith effort to resolve the arrest warrant, and the arrest warrant is resolved in any manner authorized by the Code of Criminal Procedure.

WARRANT OF ARREST: MAGISTRATE (Art. 15.02, C.C.P.)

THE STATE OF TEXAS, §

CITY OF _____ §

_____ COUNTY §

THE STATE OF TEXAS, TO ANY PEACE OFFICER OF THE STATE OF TEXAS - GREETINGS:

You are hereby commanded to arrest _____, Defendant, to be dealt with according to law. Said Defendant has been accused of the (felony) (misdemeanor) offense: _____, which is against the laws of the State of Texas and/or against the city ordinances of _____.

Herein fail not, but make due service and return of this warrant of arrest, showing how you executed the same.

Signed this _____ day of _____, 20__.

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____

_____ County, Texas

.....

OFFICER'S RETURN

Came to hand the _____ day of _____, 20__, at _____ o'clock ___.m. and executed on the _____ day of _____, 20__, at _____ o'clock ___.m. by _____
_____.

_____
Peace Officer

Editor's Note: Magistrate's signed orders pertaining to criminal matters issued on or after September 1, 2023 must contain, in addition to the magistrate's signature, the magistrate's name in legible handwriting, legible typewritten form, or legible stamp print. Art. 2.101, C.C.P.

AFFIDAVIT FOR PROBABLE CAUSE FOR ARREST WARRANT (Under Chapter 45, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

AFFIDAVIT

My name is _____ and I have good reason to believe and do believe that the offense of _____ has been committed within the territorial limits of the City of _____, _____ County, State of Texas, as set forth in the attached reports and documents that are incorporated herein as if set forth in their entirety.

Affiant's belief is based on the following:

☐ Affiant's personal investigation of this offense, which is described in the attached reports and documents.

☐ Information received from _____, a peace officer whom Affiant believes to be credible and who personally participated in the investigation of this offense, whose information is described in the attached reports and documents.

_____
Affiant

BEFORE ME, the undersigned authority, on this day appeared (in-person) (through an electronic broadcast system) _____, known to me to be the person whose name is subscribed to the above statement, and after being sworn by me, duly stated that the statements contained herein are true and correct to the best of his/her knowledge.

Sworn to and subscribed before me on this the _____ day of _____, 20___.

_____
(Judge)(Clerk)(Notary Public in and for the State of Texas)

AFFIDAVIT FOR PROBABLE CAUSE FOR ARREST WARRANT (Under Chapter 15, C.C.P.)

THE STATE OF TEXAS, §

CITY OF _____ §

_____ COUNTY §

AFFIDAVIT

My name is _____ and I have good reason to believe and do believe that the offense of _____ _____ has been committed in _____ County, State of Texas, as set forth in the attached reports and documents that are incorporated herein as if set forth in their entirety.

Affiant's belief is based on the following:

☐ Affiant's personal investigation of this offense, which is described in the attached reports and documents.

☐ Information received from _____, a peace officer whom Affiant believes to be credible and who personally participated in the investigation of this offense, whose information is described in the attached reports and documents.

_____
Affiant

BEFORE ME, the undersigned authority, on this day appeared (in-person) (through an electronic broadcast system) _____, known to me to be the person whose name is subscribed to the above statement, and after being sworn by me, duly stated that the statements contained herein are true and correct to the best of his/her knowledge.

Sworn to and subscribed before me on this the _____ day of _____, 20___.

_____
(Magistrate)(Clerk)(Notary Public in and for the State of Texas)

AFFIDAVIT FOR PROBABLE CAUSE FOR FAILURE TO APPEAR (Sec. 38.10(a), P.C.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

AFFIDAVIT

I, _____, being duly sworn on oath, state that I have good reason to believe and do believe that:

On or about the _____ day of _____, 20__, in the City of _____, _____ County, Texas, _____, the Defendant, committed the offense of Failure to Appear. My belief of the above is based upon the following: _____
_____.

On this day, Affiant personally examined the official court records in Cause Number_____. Defendant is charged with the offense of _____,
a misdemeanor. On _____, 20___, Defendant was in the custody of _____ and was released from custody that day. Defendant's (bail)(order of release) states that it is conditioned upon Defendant subsequently appearing in this Court at _____ o'clock, ___.m. on _____, 20___.

☐ Affiant was present in the courtroom at the above stated time and date when the docket, including the Defendant's name, was called. The Defendant did not answer, did not appear, and did not appear by counsel.

☐ Affiant is custodian of the court records and has examined the records to determine if the Defendant appeared as required. The court records show that the Defendant did not appear and did not appear by counsel.

_____
Affiant

Sworn to and subscribed before me on this the _____ day of _____, 20__.

_____
(Judge)(Clerk)(Notary Public in and for the State of Texas)

AFFIDAVIT FOR PROBABLE CAUSE FOR FAILURE TO APPEAR OR VIOLATION OF PROMISE TO APPEAR WHEN ORIGINAL CHARGE FILED BY CITATION (Sec. 38.10(a), P.C. and Sec. 543.009(b), T.C.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

AFFIDAVIT

I, _____, being duly sworn on oath, state that I have good reason to believe and do believe that:

On or about the _____ day of _____, 20___, in the City of_____, in_____ County, Texas, _____, the Defendant, did willfully violate (his)(her) written promise to appear in court.

On this day, Affiant reviewed the citation issued to the Defendant by a licensed Texas peace officer, who arrested and released the Defendant and identified the Defendant as:

Name: _____ Race: _____ Sex: _____
Address: _____
Date of Birth: _____ Texas Driver's License #: _____

Affiant saw that the citation contained the name and address given by the Defendant, the license plate number of the vehicle, charged the offense of _____, stated the time and place, when and where the Defendant was to appear, and showed that the Defendant gave (his)(her) written promise to appear by (his)(her) signature to the written notice prepared by the officer. A true and correct copy of the citation is attached and incorporated by reference.

☐ Affiant was present in the courtroom at the above stated time and date when the docket, including the Defendant's name, was called. The Defendant did not answer, did not appear, and did not appear by counsel.

☐ Affiant is custodian of the court records and has examined the records to determine if the Defendant appeared as required. The court records show that the Defendant did not appear and did not appear by counsel.

_____
Affiant

Sworn to and subscribed before me on this the _____ day of _____, 20__.

_____
(Judge)(Clerk)(Notary Public in and for the State of Texas)

NOTICE – INITIAL COURT SETTING (Art. 45.014, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

NOTICE

You received a citation on _____, 20__ for the offense of _____, requiring you to appear in court. *(If other charges have been filed, such as failure to appear, include that information here.)*

You are hereby **ORDERED** to appear at the _____ _____ Municipal Court, located at _____ _____ _____ to enter a plea on the charge on _____, 20__ at _____ (a.m.)(p.m.) *(date must be within 30-day period following the date of the notice)*. **Failure to enter a plea may result in a warrant for your arrest.**

Prior to that date, you may enter a plea by mail or in person during business hours: _____. More information is available on the court's website: _____.

To avoid arrest and further fees, it is important that you communicate with the court. If you are unable to appear in court on the date and time listed above, contact the court immediately. You can reach the court by calling _____.

If you are convicted and the court determines that you are unable to pay the fine and costs, there are alternatives to the full payment of any fine or costs owed, which may include community service and installment payments.

You may be entitled to a credit toward any fine or costs owed if you were confined in jail or prison after the commission of the offense for which this notice is given.

If you come to the court to resolve your case, you will not be arrested at the court for any charges filed in this court.

Signed this _____ day of _____, 20__.

This notice mailed on _____, 20___.

_____
Judge, Municipal Court
City of _____

(municipal court seal)

_____ County, Texas

Editor's Note: A judge may not issue an arrest warrant for the defendant's failure to appear at the initial court setting, including failure to appear as required by a citation issued under Article 14.06(b), unless: (1) the judge provides by telephone or regular mail to the defendant notice that includes: (a) a date and time, occurring within the 30-day period following the date that notice is provided, when the defendant must appear before the justice or judge; (b) the name and address of the court with jurisdiction in the case; (c) information regarding alternatives to the full payment of any fine or costs owed by the defendant, if the defendant is unable to pay that amount; (d) a statement that the defendant may be entitled to a credit toward any fine or costs owed by the defendant if the defendant was confined in jail or prison after the commission of the offense for which the notice was given; and (e) an explanation of the consequences if the defendant fails to appear before the justice or judge as required by this article; and (2) the defendant fails to appear before the judge. A judge shall recall an arrest warrant for the defendant's failure to appear if, before the warrant is executed, the defendant voluntarily appears to resolve the warrant, makes a good faith effort to resolve the arrest warrant, and the arrest warrant is resolved in any manner authorized by the Code of Criminal Procedure.

See also Section 80.002 of the Government Code, authorizing a court, justice, judge, magistrate, or clerk to send any required notice using mail or electronic mail.

If the court sends this notice after the defendant misses the initial court setting, and if a charge of failure to appear or violation of a promise to appear (or another non-appearance crime) is filed, include that charge in this notice.

SEARCH WARRANT (Arts. 18.01, 18.02, and 18.04, C.C.P.)

THE STATE OF TEXAS, §

CITY OF _____ §

_____ COUNTY §

TO ANY PEACE OFFICER OF THE STATE OF TEXAS – GREETINGS:

WHEREAS, the Affiant, whose name appears on the attached affidavit hereto, is a peace officer under the laws of the State of Texas and did heretofore this day subscribe and swear to said affidavit before me (now made a part hereof and incorporated herein as if written verbatim within this document), and whereas I find that the verified facts stated by Affiant in said affidavit show that Affiant has probable cause for the belief he/she expresses herein and establishes the existence of proper grounds for issuance of this warrant;

Now, therefore, you are hereby commanded to enter the suspected place, vehicles, and premises described in said affidavit, to wit:_____. At said places you shall search for and, if same be found, seize and bring before me the property described in the affidavit which the suspected party, or others in control of the suspected place, are alleged to be concealing and to have in his/her possession in violation of the laws of the State of Texas, to wit: _____ _____ _____ _____.

Herein fail not, but make due service and return of this warrant, showing how you executed the same.

Signed this _____ day of _____, 20__ [at _____ o'clock ___.m. *(include time of issuance if information for the warrant was provided by telephone or reliable electronic means under Art. 18.01(b-1)*].

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____

_____County, Texas

.....

OFFICER'S RETURN

Came to hand the _____ day of _____, 20__, at _____ o'clock ___.m. and executed on the _____ day of _____, 20__, at _____ o'clock ___.m. by _____.

_____
Peace Officer

Editor's Note: An officer shall return a search warrant no later than three days after its execution. The failure of an officer to make a timely return of an executed search warrant or to submit an inventory of the property taken into the officer's possession under the warrant does not bar the admission of evidence under Art. 38.23, C.C.P. See *Inventory of Property Taken Under a Search Warrant* form located in the Magistrate Duties chapter.

Article 18.01(i), C.C.P., provides: "In a county that does not have a municipal court of record with a courtroom located in that county and a judge who is an attorney licensed by the state, a county court judge who is an attorney licensed by the state, or a statutory county court judge, any magistrate may issue a search warrant under Article 18.02(a)(10) or (12). This subsection is not applicable to a subsequent search warrant under Article 18.02(a)(10)."

AFFIDAVIT FOR SEARCH WARRANT (Art. 18.02(a)(1)-(9), C.C.P.)

THE STATE OF TEXAS, §

CITY OF _____ §

_____ COUNTY §

AFFIDAVIT

My name is _____ and I am commissioned as a peace officer by _____.

1. There is in _____ County, Texas, a suspected place and premises described and located as follows: _____. Said suspected place, in addition to the foregoing description, also includes all other buildings, structures, places, and vehicles on said premises and within the curtilage, if said premises is a residence, which are found to be under the control of the suspected party named below and in, on, or around which said suspected party may reasonably reposit or secrete property that is the object of the search requested herein. Attached as Exhibit A is a diagram illustrating the relative location of the place to be searched; it is to be considered as part of the affidavit as if written herein.
2. Said suspected place is in the charge of and controlled by each of the following named and/or described suspected parties, to wit: _____.
3. It is the belief of Affiant that said suspected place contains in violation of the laws of the State of Texas the following property: _____ _____ _____.
3. Affiant has probable cause for said belief by reason of the following facts and circumstances: _____ _____.

WHEREFORE, Affiant asks for issuance of a warrant that will authorize Affiant and other peace officers to search said suspected place and premises for the property described above and seize the same.

_____
Affiant

BEFORE ME, the undersigned authority, on this day personally appeared the Affiant herein, a peace officer under the laws of the State of Texas, who, being sworn by me, duly stated that the statements contained herein are true and correct to the best of his/her knowledge.

Subscribed and sworn to before me on this the _____ day of _____, 20___.

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____

_____ County, Texas

Editor's Note: Affidavits for search warrants issued under Art. 18.02(a)(10), (12), and (14) have specific requirements not listed in this form. *See* Articles 18.01 and 18.0215, C.C.P.

A peace officer generally may not search a person's cell phone or other wireless communication device, pursuant to a lawful arrest, without a warrant. Exceptions like consent are listed in Article 18.0215(d), C.C.P. A warrant under Art. 18.0215 may only be issued by a judge in the same judicial district as the site of the agency that employs the peace officer (if the phone is in the officer's possession) or the likely location of the phone or device. The requirements of the application for this type of warrant are found in Article 18.0215(c), C.C.P.

AFFIDAVIT FOR SEARCH WARRANT SUBMITTED BY TELEPHONE OR OTHER ELECTRONIC MEANS (Arts. 18.01(b-1), 18.02(a)(1)-(9), C.C.P.)

THE STATE OF TEXAS, §

CITY OF _____ §

_____ COUNTY §

AFFIDAVIT

My name is _____ and I am commissioned as a peace officer by _____.

1. There is in _____ County, Texas, a suspected place and premises described and located as follows: _____. Said suspected place, in addition to the foregoing description, also includes all other buildings, structures, places, and vehicles on said premises and within the curtilage, if said premises is a residence, which are found to be under the control of the suspected party named below and in, on, or around which said suspected party may reasonably reposit or secrete property that is the object of the search requested herein. Attached as Exhibit A is a diagram illustrating the relative location of the place to be searched; it is to be considered as part of the affidavit as if written herein.
2. Said suspected place is in the charge of and controlled by each of the following named and/or described suspected parties, to wit: _____
3. It is the belief of Affiant that said suspected place contains in violation of the laws of the State of Texas the following property: _____
4. Affiant has probable cause for said belief by reason of the following facts and circumstances: _____

WHEREFORE, Affiant asks for issuance of a warrant that will authorize Affiant and other peace officers to search said suspected place and premises for the property described above and seize the same.

_____
Affiant

TO ME, the undersigned authority, by telephone or other reliable electronic means the Affiant herein, a peace officer under the laws of the State of Texas, who, being sworn by me, duly attested that the statements contained herein are true and correct to the best of his/her knowledge.

Submitted by electronic means, sworn to, and signature attested telephonically per Article 18.01(b-1) of the Code of Criminal Procedure on this the _____ day of _____, 20___ at _____ o'clock ___.m.

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____
_____ County, Texas

Editor's Note: Applicants for search warrants who submit information by telephone or other reliable electronic means under Article 18.01(b-1), C.C.P. must prepare a proposed duplicate original of the warrant and must read or otherwise transmit its contents verbatim to the magistrate. A magistrate must enter into an original search warrant the contents of the proposed duplicate original that are read to the magistrate. If the applicant transmits the contents by reliable electronic means, the transmission received by the magistrate may serve as the original search warrant. The magistrate may modify a search warrant submitted this way, but then must follow Article 18.01(b-1)(4), C.C.P. A magistrate who issues a search warrant for which information is provided by telephone or reliable electronic means must: (1) sign the original document; (2) enter the date and time of issuance on the warrant; and (3) transmit the warrant by reliable electronic means to the applicant or direct the applicant to sign the judge's name and enter the date and time on the duplicate original.

If an applicant for a search warrant attests to the contents of an affidavit submitted by reliable electronic means, the magistrate must acknowledge the attestation in writing on the affidavit. If the magistrate considers additional testimony or exhibits**,** the magistrate must: (1) ensure the testimony is recorded verbatim by an electronic recording device, court reporter, or in writing; (2) ensure that any recoding or reporter's notes are transcribed and that the transcription is certified as accurate and is preserved; (3) sign, certify accuracy, and preserve any other written record; and (4) ensure that the exhibits are preserved.
Art. 18.01(b-1)(2), C.C.P.

SEARCH AND ARREST WARRANT (Arts. 18.02, 18.03, 18.04, and 15.02, C.C.P.)

THE STATE OF TEXAS, §

CITY OF _____ §

_____ COUNTY §

TO ANY PEACE OFFICER OF THE STATE OF TEXAS - GREETINGS:

WHEREAS, the Affiant, whose name appears on the attached affidavit hereto, is a peace officer under the laws of the State of Texas and did heretofore this day subscribe and swear to said affidavit before me (now made a part hereof and incorporated herein as if written verbatim within this document), and whereas I find that the verified facts stated by Affiant in said affidavit show that Affiant has probable cause for the belief he/she expresses herein and establishes the existence of proper grounds for issuance of this warrant;

Now, therefore, you are hereby commanded to enter the suspected place, vehicles, and premises described in said affidavit, to wit:_____. At said places you shall search for and, if same be found, seize and bring before me the property described in the affidavit which the suspected party, or others in control of the suspected place, are alleged to be concealing and to have in his/her possession in violation of the laws of the State of Texas, to wit:_____
_____
_____
_____.

Further, you are commanded to arrest and search each suspected party named and described in said affidavit, to wit: _____. This individual is accused of an offense against the laws of the State: namely, (felony) (misdemeanor) _____, which is against the laws of the State of Texas and/or against the city ordinances of said city. You may arrest others for the same offense who are unknown to the affiant but found to be occupants of said premises and in control of same.

Herein fail not, but make due service and return of this warrant, showing how you executed the same.

Signed this _____ day of _____, 20__.

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____

_____ County, Texas

.....

OFFICER'S RETURN

Came to hand the _____ day of _____, 20__, at _____ o'clock ___.m. and executed on the _____ day of _____, 20__, at _____ o'clock ___.m. by _____
_____.

_____
Peace Officer

AFFIDAVIT FOR COMBINED SEARCH AND ARREST WARRANT (Art. 18.02(a)(1)-(9), C.C.P.)

THE STATE OF TEXAS, §

CITY OF _____ §

_____ COUNTY §

AFFIDAVIT

My name is _____ and I am commissioned as a peace officer by _____.

1. There is in _____ County, Texas, a suspected place and premises described and located as follows: _____ _____. Said suspected place, in addition to the foregoing description, also includes all other buildings, structures, places, and vehicles on said premises and within the curtilage, if said premises is a residence, which are found to be under the control of the suspected party named below and in, on, or around which said suspected party may reasonably reposit or secrete property that is the object of the search requested herein. Attached as Exhibit A is a diagram illustrating the relative location of the place to be searched; it is to be considered as part of the affidavit as if written herein.
2. Said suspected place is in the charge of and controlled by each of the following named and/or described suspected parties, to wit: _____.
3. It is the belief of Affiant that said suspected party has possession of and is concealing at said suspected place in violation of the laws of the State of Texas the following property: _____ _____ _____.
4. Affiant has good reason to believe, does believe, and hereby charges and accuses that on or about _____ in _____ County, Texas, the suspected party committed an offense against the laws of the State of Texas, to wit: _____ _____ _____.
5. Affiant has probable cause for said belief by reason of the following facts and circumstances: _____ _____ _____.

WHEREFORE, Affiant asks for issuance of a warrant that will authorize Affiant and other peace officers to search said suspected place and premises for the property described above and seize same, and to arrest and search each suspected party named and described herein and others unknown to affiant found to be occupants of and in control of said premises.

_____
Affiant

BEFORE ME, the undersigned authority, on this day personally appeared the Affiant herein, a peace officer under the laws of the State of Texas, who, being sworn by me, duly stated that the statements contained herein are true and correct to the best of his/her knowledge.

Subscribed and sworn to before me on this the _____ day of _____, 20___.

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____

_____ County, Texas

THE STATE OF TEXAS, §

CITY OF _____ §

_____ COUNTY §

TO ANY PEACE OFFICER OF THE STATE OF TEXAS - GREETINGS:

WHEREAS, the Affiant, whose name appears on the affidavit attached hereto, is a peace officer under the laws of the State of Texas and did heretofore this day subscribe and swear to said affidavit before me (now made a part hereof and incorporated herein as if written verbatim within this document), and whereas I find that the verified facts stated by Affiant in said affidavit show that Affiant has probable cause for the belief he/she expresses herein and establishes the existence of proper grounds for the issuance of this warrant:

Now, therefore, you are commanded to take custody of the suspect and transport the suspect to a hospital in _____ _____ County, Texas where you shall search for, seize, and maintain as evidence the property described in said affidavit, to wit: human blood from the body of the following described individual:

Name: _____
Race: _____ Sex: _____ DOB: _____
Height: _____ Weight: _____ lbs. Hair color: _____

Herein fail not, but make due service and return of this warrant, showing how you executed the same.

Signed this _____ day of _____, 20__ [at _____ o'clock ___.m. (*include time of issuance if information for the warrant was provided by telephone or reliable electronic means under Art. 18.01(b-1)*)].

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____

_____ County, Texas

.....

RETURN AND INVENTORY

The undersigned, being a Peace Officer under the laws of the State of Texas, confirms that the foregoing Warrant came to hand on the day it was issued and that it was executed on the _____ day of _____, 20____, by making the search directed therein and seizing during such search the following described property:

A specimen of the suspect's blood.

_____
Signature of Officer

Editor's Notes: Any magistrate who is a licensed Texas attorney may issue a search warrant to collect a blood specimen from a person who is arrested for certain intoxication or alcohol offenses and refuses to submit to a breath or blood alcohol test. In a county that does not have a municipal court of record with a courtroom located in that county and a judge who is an attorney licensed by the state, a county court judge who is an attorney licensed by the state, or a statutory county court judge, any magistrate may issue a search warrant under Article 18.02(a)(10) (includes blood warrants, but does not apply to subsequent search warrants under (a)(10)).

Effective September 1, 2021, blood search warrants may be executed in any county adjacent to the county in which the warrant was issued by any law enforcement officer authorized to make an arrest in the county of execution. Art. 18.067, C.C.P.

THE STATE OF TEXAS, §

CITY OF _____ §

_____ COUNTY §

ORDER FOR ASSISTANCE IN EXECUTION OF SEARCH WARRANT

To any physician, nurse, medical technician, or phlebotomist, licensed by the State of Texas, or other person qualified in the intravenous removal of human blood - Greetings:

Whereas, the Affiant, whose name appears on the affidavit attached hereto, is a peace officer under the laws of the State of Texas and did heretofore this day subscribe and swear to said affidavit before me (now made a part hereof and incorporated herein as if written verbatim within this document), and whereas I find that the verified facts stated by Affiant in said affidavit show that Affiant has probable cause for the belief he/she expresses herein and establishes the existence of proper grounds for the issuance of a search warrant;

And whereas, this Court has issued a **warrant to search for and seize blood** from the suspect named and described in the affidavit, to-wit:

Name: _____

Race: _____ Sex: _____ DOB: _____

Height: _____ Weight: _____ lbs. Hair color: _____

Therefore, you are hereby ordered and commanded to cooperate with any peace officer requesting your professional assistance in the execution of this warrant.

Herein fail not, as this Order, directed to any individual whose aid and assistance is requested by the officer bearing the accompanying search warrant, is authorized by the full authority of this Court to issue warrants and orders to enforce the laws of the State of Texas, and Article 18.08, Code of Criminal Procedure. **Any individual who fails to comply with this Order when requested shall be liable for contempt of this Court and subject to all penalties authorized by law.**

Ordered this the _____ day of _____, 20___ at _____ o'clock __.m.

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____

_____ County, Texas

AFFIDAVIT FOR BLOOD SEARCH WARRANT

THE STATE OF TEXAS, §

CITY OF _____ §

_____ COUNTY §

AFFIDAVIT

My name is _____ and I am commissioned as a peace officer by _____.

1. There is in _____ County, Texas, a suspected person described as follows:

   Name: _____
   Race: _____ Sex: _____ DOB: _____
   Height: _____ Weight: _____ lbs. Hair color: _____

   Said suspected person is presently in the custody of a law enforcement agency, namely the _____, which will present the suspect to execute the warrant requested herein.

2. Said suspected person has possession of and is concealing human blood, which constitutes evidence that the suspect committed the following offense:
   - □ Driving While Intoxicated
   - □ Driving While Intoxicated with a Child Passenger
   - □ Flying While Intoxicated
   - □ Boating While Intoxicated
   - □ Boating While Intoxicated with Child Passenger
   - □ Assembling or Operating an Amusement Ride While Intoxicated
   - □ Intoxication Assault
   - □ Intoxication Manslaughter

3. Affiant has probable cause for his/her belief the suspected person committed the above-described offense by reason of the following facts and circumstance: _____
   _____
   _____
   _____

4. Affiant placed said suspected person under arrest and requested a sample of the suspected person's breath or blood, which the suspected person refused to provide.

WHEREFORE, Affiant asks for issuance of a search warrant that will authorize Affiant or Affiant's agent to search the person of the suspect for the blood evidence described above and seize the same as evidence that the offense described was committed and that the suspect committed said offense.

_____
Affiant

BEFORE ME, the undersigned authority, on this day personally appeared the Affiant herein, a peace officer under the laws of the State of Texas, who, being sworn by me, duly stated that the statements contained herein are true and correct to the best of his/her knowledge.

Subscribed and sworn to before me on this the _____ day of _____, 20___.

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____

_____ County, Texas

AFFIDAVIT FOR BLOOD SEARCH WARRANT SUBMITTED BY TELEPHONE OR OTHER ELECTRONIC MEANS (Art. 18.01(b-1), C.C.P.)

THE STATE OF TEXAS, §

CITY OF _____ §

_____ COUNTY §

AFFIDAVIT

My name is _____ and I am commissioned as a peace officer by _____.

1. There is in _____ County, Texas, a suspected person described as follows:

   Name: _____
   Race: _____ Sex: _____ DOB: _____
   Height: _____ Weight: _____ lbs. Hair color: _____

   Said suspected person is presently in the custody of a law enforcement agency, namely the _____, which will present the suspect to execute the warrant requested herein.

2. Said suspected person has possession of and is concealing human blood, which constitutes evidence that the suspect committed the following offense:
   - □ Driving While Intoxicated
   - □ Driving While Intoxicated with a Child Passenger
   - □ Flying While Intoxicated
   - □ Boating While Intoxicated
   - □ Boating While Intoxicated with Child Passenger
   - □ Assembling or Operating an Amusement Ride While Intoxicated
   - □ Intoxication Assault
   - □ Intoxication Manslaughter

3. Affiant has probable cause for his/her belief the suspected person committed the above-described offense by reason of the following facts and circumstance: _____
   _____
   _____
   _____

4. Affiant placed said suspected person under arrest and requested a sample of the suspected person's breath or blood, which the suspected person refused to provide.

WHEREFORE, Affiant asks for issuance of a search warrant that will authorize Affiant or Affiant's agent to search the person of the suspect for the blood evidence described above and seize the same as evidence that the offense described was committed and that the suspect committed said offense.

_____
Affiant

TO ME, the undersigned authority, by telephone or other reliable electronic means the Affiant herein, a peace officer under the laws of the State of Texas, who, being sworn by me, duly attested that the statements contained herein are true and correct to the best of his/her knowledge.

Submitted by electronic means, sworn to, and signature attested telephonically per Article 18.01(b-1) of the Code of Criminal Procedure on this the _____ day of _____, 20___ at _____ o'clock ___.m..

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____

_____ County, Texas

SEARCH WARRANT FOR FIRE, HEALTH, AND CODE INSPECTIONS (Art. 18.05, C.C.P.)

THE STATE OF TEXAS, §

CITY OF _____ §

_____ COUNTY §

THE STATE OF TEXAS to any Fire Marshal, Health Officer, or Code Enforcement Official (of the State of Texas) (of _____ County, Texas) (of the City of _____, _____ County, Texas), who has responsibility for 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 in the territorial limits of the City of _____, Texas:

WHEREAS, the affiant whose signature is affixed to the affidavit supporting the issuance of this warrant is a (Fire Marshal) (Health Officer) (Code Enforcement Official) under the laws of the State of Texas and did therefore this day subscribe and swear to said affidavit before me, which affidavit is attached hereto and incorporated herein by reference for all purposes, and whereas I find that the verified facts and information contained therein and stated by affiant are sufficient to establish probable cause for the issuance of this warrant.

NOW THEREFORE, you are hereby commanded to enter upon and search the suspected place and premises described in said affidavit and to there determine the presence of fire or health hazards, unsafe building conditions or violations of any fire, health, or building regulation, statute, or ordinance of the city of _____ or the State of Texas, and in particular, to determine the presence of _____ in violation of said regulation, statute, or ordinance.

Herein fail not but have you then and there execute this warrant within three (3) days, exclusive of the day of issuance and exclusive of the day of execution, with your return showing how you executed same.

ISSUED at _____ o'clock (a.m.) (p.m.), on this _____ day of _____, 20____ to certify which witness my hand and seal this day.

_____
Judge, (City), Municipal Court

_____
Magistrate's Printed or Typewritten Name

.....

OFFICER'S RETURN

Came to hand the _____ day of _____, 20__, at _____ o'clock ___.m. and executed on the _____ day of _____, 20__, at _____ o'clock ___.m. by _____
_____.

_____
(Fire Marshal) (Health Officer) (Code Enforcement Official)

Editor's Note: A search warrant may not be issued under Article 18.05, C.C.P. to a code enforcement official of a county with a population of 3.3 million or more for the purpose of allowing the inspection of specified premises to determine the presence of an unsafe building condition or a violation of a building regulation, statute, or ordinance.

AFFIDAVIT FOR SEARCH WARRANT FOR FIRE, HEALTH, AND CODE INSPECTIONS (Art. 18.05, C.C.P.)

THE STATE OF TEXAS, §

CITY OF _____ §

_____ COUNTY §

AFFIDAVIT

My name is _____ and I am the/a (Fire Marshal) (Health Officer) (Code Enforcement Official) (of the State of Texas) (of _____ County, Texas) (of the City of _____, _____ County, Texas). Being duly sworn, on oath, I make the following statement and accusations:

1. I am the/a (Fire Marshal) (Health Officer) (Code Enforcement Official) (of the State of Texas) (of _____ _____ County, Texas) (of the City of _____, _____ County, Texas), and have personal knowledge of the facts stated herein and they are all true and correct;
2. There is in the City of _____, _____ County, Texas, a (specified premises), described and located as follows: _____ _____. herein referred to as "Premises;"
3. Premises are in the charge of and controlled by the following person(s): _____, who resides at:_____.
4. At said Premises, there is evidence that a fire or health hazard or violation or unsafe building condition is present in the Premises sought to be inspected, such hazard or violation or condition being _____ _____ and such evidence being _____ _____.
5. Based upon the reasons set forth above, I have good reason to believe and do believe that there is probable cause that a fire or health hazard or violation or unsafe building condition is present on the Premises sought to be inspected.

WHEREFORE, for these reasons, I ask for issuance of a warrant that will authorize me to inspect the Premises for the purpose of determining 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.

_____
Affiant

BEFORE ME, the undersigned authority, on this day personally appeared the Affiant herein, who, being sworn by me, duly stated that the statements contained herein are true and correct to the best of his/her knowledge.

Subscribed and sworn to before me on this the _____ day of _____, 20___.

_____
Judge, (City) Municipal Court

_____
Magistrate's Printed or Typewritten Name

Editor's Note: In determining probable cause for the purposes of Article 18.05(b), C.C.P., the magistrate is not limited to evidence of specific knowledge, but may consider any of the items listed in Article 18.05(c), C.C.P.

CAPIAS (Chapter 23, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

THE STATE OF TEXAS, TO ANY PEACE OFFICER OF THE STATE OF TEXAS - GREETINGS:

You are hereby commanded to arrest _____, Defendant, and bring (him)(her) before the Municipal Court named above (immediately) (on the ____ day of _____, 20___). Said Defendant has been accused of the fine-only misdemeanor offense: _____, which is against the laws of the State of Texas and/or against the ordinances of said city.

Herein fail not, but make due service and return of this writ of capias on _____, 20__, showing how you executed the same.

Signed this _____ day of _____, 20__.

_____
Judge, Municipal Court

(municipal court seal)

City of _____

_____ County, Texas

.....

OFFICER'S RETURN

Came to hand the _____ day of _____, 20__, at _____ o'clock ___.m. and executed on the _____ day of _____, 20__, at _____ o'clock ___.m. by _____
_____.

_____
Peace Officer

CAPIAS (Chapter 43, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

TO ANY PEACE OFFICER OF THE STATE OF TEXAS - GREETINGS:

You are hereby commanded to arrest _____, Defendant, and bring (him)(her) before the Municipal Court named above (immediately) (on the ____ day of _____, 20___). Said Defendant has been convicted of the fine-only misdemeanor offense: _____, which is against the laws of the State of Texas and/or against the ordinances of this city.

Herein fail not, but make due service and return of this writ of capias on _____, 20__, showing how you executed the same.

Signed this _____ day of _____, 20__.

_____
Judge, Municipal Court

(municipal court seal)

City of _____

_____ County, Texas

.....

OFFICER'S RETURN

Came to hand the _____ day of _____, 20__, at _____ o'clock ___.m. and executed on the _____ day of _____, 20__, at _____ o'clock ___.m. by _____
_____.

_____
Peace Officer



MAGISTRATE DUTIES

MAGISTRATE DUTIES

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Editor's Note: Magistrate's signed orders pertaining to criminal matters issued on or after September 1, 2023, must contain, in addition to the magistrate's signature, the magistrate's name in legible handwriting, legible typewritten form, or legible stamp print. Art. 2.101, C.C.P. This has led to changes to most of the forms in this chapter of the Forms Book. The usual "Updated" logo will thus not be provided in the Table of Contents above for forms that were only updated to add a line for the magistrate's handwritten or typewritten name.

MAGISTRATE'S WARNING (Art. 15.17(a), C.C.P.)

NO: _____

STATE OF TEXAS	§	**MAGISTRATE FOR**
VS.	§	_____
_____	§	**COUNTY, TEXAS**

Before me, the undersigned Magistrate in the State of Texas, on this day _____, 20__, _____ personally appeared in the custody of _____, a peace officer, not later than 48 hours after said person was arrested, and said person was given the following warning by me:

_____ 1. You are charged with the offense of _____ ☐ a misdemeanor ☐ a felony. An affidavit charging you with this offense (has)(has not) been filed in this court.
_____ 2. You have a right to hire an attorney to represent you.
_____ 3. You have the right to have an attorney present prior to and during any interview and questioning by peace officers or attorneys representing the State.
_____ 4. You have the right to remain silent.
_____ 5. You are not required to make a statement, and any statement you make can and may be used against you in Court.
_____ 6. You have the right to stop any interview or questioning at any time.
_____ 7. You have the right to have an examining trial (felonies only).
_____ 8. You have the right to request appointment of counsel if you cannot afford counsel.
_____ 9. You may file an ability to pay affidavit under Article 17.028(f), C.C.P., if you are unable to give bail in the amount required by a bail schedule or standing order.

Pursuant to Number 8 above, I explained the procedures for requesting appointment of counsel in a manner the Defendant could understand. I provided any necessary paperwork and reasonably assisted in its completion. I forwarded the paperwork, if any, to the appropriate authority, without unnecessary delay, in no event more than 24 hours.

The person warned reports to be a citizen of a foreign country: ☐ Yes ☐ No

I have determined that the said person ☐ is ☐ is not currently on bond in another cause or causes.

Bail is set at $_____ ☐ Bail not determined ☐ Bail denied

I acknowledge that I was given the above warning and that I understand my rights as explained to me in the warning:

_____
Person warned

OR
☐ Accused refused to sign acknowledgement of warning
Remarks:

_____
Magistrate

Witnesses (if any): _____

_____
Magistrate's Printed or Typewritten Name

_____

Municipal Judge, City of _____

_____

Place of warning: _____

_____

Time: _____ Date: _____

Editor's Note: The Vienna Convention on Consular Notifications requires that a foreign national be offered the opportunity to have his or her country's consulate notified that he or she is facing criminal action. If the person warned is a non-U.S. citizen, magistrates should consult the *Consular Notification and Access* manual of the U.S. Department of State, available at https://travel.state.gov/content/travel/en/consularnotification.html, and follow the steps in *TMCEC Bench Book*, Chapter 1.

If a magistrate is provided written or electronic notice of credible information that may establish reasonable cause to believe that a person brought before the magistrate has a mental illness or is a person with an intellectual disability, the magistrate shall conduct the proceedings described by Article 16.22 or 17.032, C.C.P., as appropriate.

MAGISTRATE'S DETERMINATION OF BAIL AND COMMITMENT FORM

Defendant's Name: _____ Agency: _____

Arrest Date: _____ Agency Report No.: _____

I, the undersigned Magistrate, hereby certify that the Defendant appeared before me on this date and was informed pursuant to Article 15.17, Code of Criminal Procedure, of the accusation against him/her and of any affidavit filed therewith, of his/her right to counsel, of his/her right to remain silent, of his/her right to have an attorney present during any interview with peace officers or attorneys representing the State, of his/her right to terminate the interview at any time, of his/her right to request the appointment of counsel if he/she is indigent and cannot afford counsel, of his or her right to fill out an affidavit described by Art. 17.028(f), Code of Criminal Procedure (if applicable), and of his/her right to have an examining trial, and I informed the person arrested that he/she is not required to make a statement and that any statement made may be used against him/her.

YOU ARE HEREBY COMMANDED TO COMMIT TO JAIL THE BODY OF THE DEFENDANT ON THE FOLLOWING CHARGED OFFENSE(S). THE SAID DEFENDANT MAY BE RELEASED ON THE BOND AMOUNT(S) AND/OR CONDITIONS SET OUT BELOW.

WARRANT/COMPLAINT/OR PROBABLE CAUSE FOR: _____
Offense *Felony/Misdemeanor*

BAIL IS SET AT: $_____ ☐ Surety or Cash Bond ☐ Personal Bond ☐ Bail is Denied

A "family violence" detention hold is directed pursuant to Article 17.291, Code of Criminal Procedure, for ____ hours after bond has been posted if signed in space provided hereafter by Magistrate who finds probable cause to conclude and hereby does conclude that the family violence will continue if the Defendant is released prior thereto: (see form entitled *Application for Further Detention*)

So Ordered: _____
Magistrate's Signature

_____
Magistrate's Printed or Typewritten Name

OTHER: _____

Conditions of release on bond are ordered as follows where initialed in space by Magistrate:

1. Article 17.41 condition where a child is the victim: _____
2. Article 17.441 condition requiring motor vehicle ignition interlock is ordered: _____
3. Other conditions:

Any or all of these conditions for release on bond are to be incorporated by reference and attached to the bond posted by the Defendant. The Defendant is to sign the conditions, acknowledging receipt and notice thereof prior to release. A copy of the conditions of release is to be filed with the _____ County Magistrate's office the next working day following release and the original is to remain attached to the original of the bond.

DEFENDANT IS TO BE HELD TO ANSWER TO THE PROPER COURT OF _____ COUNTY, TEXAS, OR ANY COURT OR MAGISTRATE BEFORE WHOM THIS CAUSE MAY BE HEREINAFTER PENDING AT ANY TIME AND PLACE AS MAY BE REQUIRED.

HEREIN FAIL NOT, of this commitment writ make due return, showing how you executed the same.

ISSUED THIS _____ day of _____, 20___ at _____ o'clock _____.m.

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____

_____ County, Texas

Editor's Note: For a complete listing of instances in which bail can be denied, see *TMCEC Bench Book*, Chapter 1.

Effective September 1, 2023, stalking under Section 42.072 of the Penal Code is added to the list of offenses triggering a magistrate's duty to notify the sheriff when bond conditions are set. Art. 17.50, C.C.P.

APPLICATION FOR FURTHER DETENTION (Art. 17.291, C.C.P.) (Page 1 of 2)

NO: _____

STATE OF TEXAS	**§**	**MAGISTRATE FOR**
VS.	**§**	**_____**
_____	**§**	**COUNTY, TEXAS**

APPLICATION FOR FURTHER DETENTION

Pursuant to Article 17.291, Code of Criminal Procedure, the undersigned applicant requests that the above named Defendant be detained for _____*(insert period of time not to exceed 48 hours)*_____ after bond is posted in the above referenced cause.

The Defendant has been arrested in the prevention of family violence and based upon the following facts, there is probable cause to believe that the violence will continue if the Defendant is released immediately upon posting bond:

_____

_____

_____

_____

_____

_____

_____

_____

_____
Date

_____
Applicant

If the additional period exceeds 24 hours, probable cause **must** exist to believe that the person committed the instant offense and during the 10-year period preceding the date the person has been arrested (*check the applicable offense and attach copies of supporting documentation of requisite probable cause*):

☐ on more than one occasion for an offense involving family violence; or

☐ for any other offense, if a deadly weapon, as defined in by Section 1.07, Penal Code, was used or exhibited during the commission of the offense or during immediate flight after the offense.

ORDER

On this the ____ day of _____, 20__, _____ came for consideration the above and foregoing Application for Further Detention. The Court having found probable cause for arrest of the above named Defendant and that said Defendant meets the criteria for continued detention pursuant to the provisions of Article 17.291, Code of Criminal Procedure, it is hereby ordered that the Sheriff of _____ County, Texas, Chief of Police for the City of _____, Texas or other person having custody of the detained person, hold the said Defendant for _____ hours *(period not to exceed 48 hours)* after the time that bond is posted in this cause.

SIGNED this ___ day of _____, 20__.

_____
Magistrate

Printed Name: _____

Municipal Judge, City of_____

_____County, Texas

RELEASE: WITH ORDER TO APPEAR (Under Art. 15.17(b), C.C.P.)

Report #: _____

Agency: _____

Charge: _____, a fine-only misdemeanor.

The Defendant is released without bond and ordered to appear in person at the _____ (Municipal)(Justice) Court, on or before the _____ day of _____, 20__ at _____ o'clock _____.m., located at _____.

A copy of this *Release with Order to Appear* shall be given to the accused upon (his)(her) release. If the accused fails to appear as required by this Order, the judge of the _____ (Municipal)(Justice) Court shall issue a warrant for the arrest of the accused.

SIGNED THIS _____ day of _____, 20___ at _____ o'clock _____.m.

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____

_____ County, Texas

If Interpreter necessary:

_____
Name of Interpreter

Editor's Note: For the accused to be released without bond and ordered to appear before the Municipal Court, the accused must not have been previously convicted of a felony or misdemeanor other than a misdemeanor punishable by fine only.

RELEASE: MAGISTRATE'S DETERMINATION OF NO PROBABLE CAUSE (Art. 15.17(d), C.C.P.)

Report #: _____

Agency: _____

Charge: _____

After (having)(not having) received sworn testimony or documents, the undersigned Magistrate determines that sufficient probable cause was not presented to merit further detention of the above named individual on the above described charge. The Defendant is therefore ordered released without bond on the above charge pending filing of charges by an appropriate court or magistrate.

A copy of this Order shall be placed with the records of the Defendant.

SIGNED THIS _____ day of _____, 20___ at _____ o'clock _____.m.

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____

_____ County, Texas

If Interpreter necessary:

_____
Name of Interpreter

RELEASE: PERSONAL BOND AFTER NO TIMELY DEMAND (Art. 15.21, C.C.P.)

Report #: _____

Agency: _____

Charge: _____

The Defendant, _____, was committed to the _____ Jail on _____, 20___. The Magistrate provided notice by (mail) (secure facsimile transmission) (secure electronic means) on _____, 20___ to the Sheriff of _____ County, the county in which the offense is alleged to have been committed, regarding the arrest and commitment of the Defendant. No demand was made by the proper office of that county before the 11th day after the date the Defendant was committed. Therefore, pursuant to Article 15.21 of the Code of Criminal Procedure, the Defendant is **ORDERED** released on personal bond on the above charge.

A copy of this Order shall be placed with the records of the Defendant. The personal bond shall be forwarded to the (Sheriff of _____ County where the offense was alleged to have been committed) (_____ Court, the court that issued the warrant of arrest).

SIGNED THIS _____ day of _____, 20___ at _____ o'clock _____.m.

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____

_____ County, Texas

If Interpreter necessary:

_____
Name of Interpreter

Editor's Note: Except as provided by Articles 15.21, 17.033, and 17.151, a defendant may not be released on personal bond if the defendant (1) is charged with an offense involving violence; or (2) while released on bail or community supervision for an offense involving violence, is charged with committing either an offense punishable as a felony or an offense under the following provisions of the Penal Code: (i) Section 22.01(a)(1) (assault); (ii) Section 22.05 (deadly conduct); (iii) Section 22.07 (terroristic threat); or (iv) Section 42.01(a)(7) or (8) (disorderly conduct involving firearm). Article 17.03(b-2), C.C.P.

OUT-OF-COUNTY MAGISTRATE'S BENCH JUDGMENT (Art. 15.18, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

JUDGMENT

On this the ____day of _____, 20___, the Defendant in the above numbered and entitled cause, having been arrested under a warrant issued in a county other than the one in which (he)(she) was arrested, and having appeared in person and entered a plea of guilty and waived a jury trial in writing; and the Magistrate pursuant to Article 15.18(a)(2), Code of Criminal Procedure, finds the Defendant guilty of the offense of _____.

☐ **It is therefore Ordered and Adjudged** by the Magistrate that the State of Texas, for the use and benefit of the City of _____, Texas, does have and recover from the Defendant the amount of $_____, being the fine plus costs.

☐ (*If sentence in addition to payment of fine is authorized)* **It is further Ordered** that the Defendant shall _____ _____ no later than _____, 20_____.

☐ **It is further Ordered and Adjudged** that the Defendant be given credit for _____days in jail, each day being _____ hours, in a total amount of $_____.

☐ **It is further found** that the Defendant has defaulted in payment of the above fine and costs; is indigent; and each alternative method of discharging the fine and costs under Article 45.049, Code of Criminal Procedure, would impose an undue hardship on the Defendant. **It is therefore Ordered and Adjudged** that payment of the fine and court costs by the Defendant are waived and thus discharged.

The amount of $_____was paid by the Defendant and that sum is ordered transmitted to the Court identified above along with the written Plea of Guilty and Waiver of Jury Trial executed by the Defendant and this Order before the 11th business day following the date of this Order.

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

_____ County, Texas

BAIL WITH IGNITION INTERLOCK CONDITION (Art. 17.441, C.C.P.)

NO: _____

STATE OF TEXAS	§	**MAGISTRATE FOR**
VS.	§	_____
_____	§	**COUNTY, TEXAS**

ORDER

☐ The Court finds that the Defendant is eligible for bail in the amount of $_____.

The Court further finds that the Defendant is charged with:

☐ Intoxication Assault (Section 49.07, Penal Code)

☐ Intoxication Manslaughter (Section 49.08, Penal Code)

☐ A subsequent offense of Driving While Intoxicated (Section 49.04, Penal Code)

☐ Driving While Intoxicated with Child Passenger (Section 49.045, Penal Code)

☐ A subsequent offense of Flying While Intoxicated (Section 49.05, Penal Code)

☐ A subsequent offense of Boating While Intoxicated (Section 49.06, Penal Code)

☐ A subsequent offense of Boating While Intoxicated with Child Passenger (Section 49.061, Penal Code)

It is ORDERED that, in addition to any other conditions of bail imposed on the Defendant, that the Defendant abide by the following conditions of bail: _____.

☐ Defendant shall, before the 30th day after the Defendant is released on bond, and at Defendant's expense, have an ignition interlock device that uses a deep-lung breath analysis mechanism to make impractical the operation of a motor vehicle if ethyl alcohol is detected on the breath of the operator, installed on the following vehicle:

Model year: _____ Make: _____
Model: _____ Color: _____
License Plate and State:_____ VIN: _____

☐ Defendant shall not operate ANY motor vehicle unless the vehicle is equipped with such an ignition interlock device.

It is further ORDERED that the following agency shall verify the installation of the ignition interlock device and monitor the device during the period this Order is in effect, and shall immediately report to this Court, or to any other court in which this case may be pending, if the device is not installed by the day specified above or if the device is removed or disabled other than according to a court order:

_____ *(agency name and address)* _____

☐ Defendant shall pay a reimbursement fee in the amount of $ *(enter amount not to exceed $10)* at the time of installation and thereafter each month to the agency who monitors the ignition interlock device.

OR

☐ **The Court finds** that to require the installation of an ignition interlock device would not be in the best interest of justice.

Signed on the _____ day of _____ , 20__.

DEFENDANT'S ACKNOWLEDGMENT

On the above date, I received a copy of this **BAIL CONDITION AND MOTOR VEHICLE IGNITION INTERLOCK ORDER**.

Defendant _____

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____

_____ County, Texas

BAIL CONDITION WHERE CHILD IS ALLEGED VICTIM (Art. 17.41, C.C.P.)

NO: _____

STATE OF TEXAS	§	**MAGISTRATE FOR**
VS.	§	_____
_____	§	**COUNTY, TEXAS**

ORDER

Penal Code Offense Charged:

☐ Chapter 20A (Trafficking of Persons), 21 (Sexual Offenses), Chapter 22 (Assaultive Offenses), or Chapter 43 (Public Indecency)against a child younger than 18 years of age; or
☐ Section 25.02 (Prohibited Sexual Conduct) against a child younger than 18 years of age.

The Court finds that the Defendant:

☐ is eligible for bail in this case in the amount of $ _____; **OR**
☐ is entitled to be released on personal bond in the amount of $ _____.

ACCORDINGLY, IT IS ORDERED that, in addition to any other conditions of bail imposed on the Defendant, the Defendant abide by the following conditions of bail:

That the Defendant not directly communicate with *(the alleged victim)* _____ _____; and

That the Defendant not go to or near any residence, school, or other location where *(the alleged victim)* normally frequents; specifically, the Defendant is prohibited from coming within _____ feet of: (1) the residence located at _____;
(2) the school located at _____; and
(3) other location, said location being _____ and located at _____; _____.

☐ **IT IS ALSO ORDERED** that the Defendant is granted supervised access to *(the alleged victim)* _____, only under the supervision of _____ and only at the following location: _____ _____
and at the following time(s): _____.

To the extent that a condition imposed by this Order conflicts with an existing court order granting the Defendant possession of or access to _____, the conditions imposed by this Order prevail for a period of _____ (not to exceed 90) days.

IT IS FURTHER ORDERED that this Order is effective immediately and shall continue in effect until modified by order of this Court or another court.

A PERSON WHO VIOLATES THIS ORDER MAY BE SUBJECT TO THE REVOCATION OR INCREASE OF HIS/HER BAIL AND SUBJECT TO CONFINEMENT UNTIL THE CONCLUSION OF THIS CASE.

NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER.

Signed on the ___ day of _____, 20___.

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

Municipal Judge, City of_____

BAIL CONDITION WHERE ADULT IS ALLEGED VICTIM (Art. 17.465, C.C.P.)

Penal Code Offense Charged (victim 18 years old or older):

- ☐ Sec. 20A.02 (Trafficking of Persons)
- ☐ Sec. 20A.03 (Continuous Trafficking of Persons)
- ☐ Sec. 43.03 (Promotion of Prostitution)
- ☐ Sec. 43.031 (Online Promotion of Prostitution)
- ☐ Sec. 43.04 (Aggravated Promotion of Prostitution)
- ☐ Sec. 43.041 (Aggravated Online Promotion of Prostitution)
- ☐ Sec. 43.05 (Compelling Prostitution)

The Court finds that the Defendant:

- ☐ is eligible for bail in this case in the amount of $ _____; **OR**
- ☐ is entitled to be released on personal bond in the amount of $ _____.

ACCORDINGLY, IT IS ORDERED that, in addition to any other conditions of bail imposed on the Defendant, the Defendant abide by the following conditions of bail:

That the Defendant not directly or indirectly communicate with *(the alleged victim)* _____; and

That the Defendant not go to or near any residence, place of employment, or business of *(the alleged victim)* _____ _____; specifically, the Defendant is prohibited from coming within _____ feet of: (1) the residence located at_____;
(2) the place of employment located at _____; and
(3) the business location at _____; and

That the Defendant not go to or near the school, day-care facility, or similar facility where any of the victim's dependent children are in attendance; specifically, the Defendant is prohibited from coming within _____ feet of the _____ located at _____.

IT IS FURTHER ORDERED that this Order is effective immediately and shall continue in effect until modified by order of this Court or another court.

A PERSON WHO VIOLATES THIS ORDER MAY BE SUBJECT TO THE REVOCATION OR INCREASE OF HIS/HER BAIL AND SUBJECT TO CONFINEMENT UNTIL THE CONCLUSION OF THIS CASE.

NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER.

Signed on the ___ day of _____, 20___.

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

Municipal Judge, City of_____

Editor's Note: Arrestees charged with an "offense involving violence" are not eligible for personal bond. This includes all the offenses listed on this form *except* Promotion of Prostitution, Online Promotion of Prostitution, and Aggravated Online Promotion of Prostitution. See Arts. 17.03(b-2) and 17.03(b-3)(2), C.C.P.

DEFENDANT'S ABILITY TO MAKE BAIL AFFIDAVIT (Art. 17.027(f), C.C.P.)

On this _____ day of _____, 20___, I have been advised by____ *(name of the court or magistrate, as applicable)* of the importance of providing true and complete information about my financial situation in connection with the charge pending against me. I am without means to pay $_____ and I hereby request that an appropriate bail be set.

Please see the attached supporting documentation related to this request.

Defendant's Printed Name _____

Defendant's Date of Birth _____

Signed _____ Date: _____
Defendant's Signature

Editor's Note: A defendant filing this affidavit under Art. 17.027(f) shall also complete a form to allow the magistrate to assess information relevant to the defendant's financial situation. The form must be the form used to request appointment of counsel under Article 26.04 of the Code of Criminal Procedure or a form promulgated by the Office of Court Administration.

STATUTORY WARNING OF A CHILD (Sec. 51.095, F.C.)

On this day before me personally appeared _____, age _____, a child, accused of an offense alleged to have been committed in _____ County, Texas, on _____, 20___.

I, _____, in my capacity as a magistrate read the following warning to the above-named child:

- ☐ You may remain silent and not make any statements at all;
- ☐ Any statement you make may be used in evidence against you;
- ☐ You have the right to have an attorney present to advise you either prior to any questioning or during any questioning;
- ☐ If you are unable to employ an attorney, you have the right to have an attorney appointed to advise you before or during any questioning and interviews with peace officers or attorneys representing the State; and
- ☐ You have the right to terminate the interview at any time.

OPTIONAL DIRECTIVE: APPLICABLE ONLY TO RECORDED STATEMENTS:

☐ Pursuant to Section 51.095(f), Family Code, I am requesting that the officer return you and the recording of your statement to me at the conclusion of the process of questioning so that I can determine whether it was given voluntarily.

I gave the foregoing warnings to the child at _____ o'clock, ___.m. on the _____ day of _____, 20___ at _____.

_____
Magistrate's Signature

_____
Printed Name

I acknowledge that I was given the above warning and I understand my rights as explained to me in the warning. I WAIVE these rights and agree to be interviewed by law enforcement officers.

_____
Person Warned

I acknowledge that I was given the above warning and I understand my rights as explained to me in the warning. I DO NOT WAIVE these rights.

_____
Person Warned

Juvenile refused to sign acknowledgement of warning.

_____
Magistrate's Signature

_____
Printed Name

_____
Office Held

Remarks:

WRITTEN STATEMENT OF A CHILD (Sec. 51.095, F.C.)

My name is _____, and I am _____ years of age. I was born in _____, State of _____ on _____, 20__. I live at _____, Texas with _____. My telephone number is _____. I can also be reached at telephone number _____. I am in the _____ grade at _____ School.

Prior to making the following statement I was informed by _____ *(insert title and name of magistrate)* that:

1. I have the right to remain silent and not make any statement at all and that any statement I make may be used against me;
2. I have the right to have an attorney present to advise me either prior to any questioning or during any questioning;
3. If I am unable to employ an attorney, I have the right to have an attorney appointed to counsel me before or during any interviews with peace officers or attorneys representing the State; and
4. I have the right to terminate any interviews at any time.

I wish to WAIVE these rights and agree to be interviewed by law enforcement officers.

_____
Signature of Child

_____

_____

_____

_____

_____

_____

_____

Signed on the _____ day of _____, 20__, at _____o'clock _____.m.

The statement above is a voluntary statement signed in the presence of _____ *(insert title and name of magistrate)* with no law enforcement officer or prosecuting attorney present.

_____
Signature of Child

_____
Signature of Magistrate

_____
Magistrate's Printed Name

Note: Article 38.22, Code of Criminal Procedure, requires a statement signed by or bearing the mark of an accused made on or after that date to be in a language he or she can read or understand.

Magistrate's Verification and Certification for Statement of a Child

Re: Statement of _____, a child.

I, the below listed Magistrate of the State of Texas, do hereby **verify and certify** the following:

On _____, 20__, I gave the above-named child the warning as required by Section 51.095, Family Code. (See the attached warning which is made a part hereof.)

After administering the warning, I examined the child and made the following observations:

☐ Claims to be _____ years of age and reasonably appears to be of that age;

☐ (Can)(cannot) read the _____ language; and
(a) demonstrated to me that (he)(she) could do so; OR
(b) I read the attached warning and statement aloud to the child.

☐ Is a citizen of _____;

☐ Advised me that (he)(she) has completed the _____ grade in school, and is now in the _____ grade in school;

☐ Was not threatened or promised anything by law enforcement officers or any other agents of the State of Texas;

☐ Does not appear to be under the influence of drugs or intoxicating beverages, and informs me that (he)(she) is not under the influence of drugs or alcohol;

☐ Does not appear to have been abused by law enforcement officers, or anyone else, and upon inquiry denies that any type of abuse has occurred;

☐ Shows no signs of psychiatric problems which might be readily apparent; and, upon inquiry by the undersigned, the child claims no history of psychiatric treatment or problems;

☐ Appears to understand the meaning of the warnings given and had no questions about the warnings, except as may be described as follows, if any:

_____

_____

☐ Made the statement voluntarily and of (his)(her) own free will without any improper inducements or prohibited conduct by any law enforcement officers or any other persons;

☐ Indicated that (he)(she) had not been deprived of food, drink, or sleep.

☐ Additional observations that I have made during the course of interviewing the said child are as follows, if any:

_____

_____

Only after receiving the proper warning and being examined by the undersigned Magistrate did the child, _____, sign the attached statement.

Based on the foregoing determinations, I, the undersigned Magistrate, do hereby certify as follows:

☐ I have examined the child independently of any law enforcement officer or prosecuting attorney.

☐ I have examined the child in the presence of _____, a (bailiff)(law enforcement officer) employed by _____, whose presence was required to ensure my personal safety and that of other court personnel, and who did not carry a weapon in the presence of the child.

☐ I have determined that the child understands the nature and content of the statement, and has knowingly, intelligently, and voluntarily waived the rights set out in the warning given pursuant to Section 51.095, Family Code.

☐ I am convinced that the child understands the nature and content of the statement, and that the child is signing the statement voluntarily.

☐ The statement was signed by the child in my presence with no law enforcement officer or prosecuting attorney present.

☐ The statement was signed by the child in my presence and the presence of _____, a (bailiff) (law enforcement officer) employed by _____, and who did not carry a weapon in the presence of the child, because I determined that the presence of said (bailiff) (law enforcement officer) was necessary for my personal safety and that of other court personnel.

THIS CERTIFICATION made by the undersigned magistrate on _____, 20___, at _____ o'clock, ___.m., in _____ County, Texas.

_____
Magistrate's Name (print or type)

_____
Magistrate's Signature

_____
Office Held

MAGISTRATE'S DETERMINATION OF VOLUNTARINESS – RECORDED STATEMENT OF CHILD (Page 1 of 2)

Re: Recorded statement of _____, a child.

I, the below listed Magistrate of the State of Texas, do hereby **verify and certify** the following:

On _____, 20__, I gave the above-named child the warning as required by Section 51.095, Family Code. (See the attached warning which is made a part hereof.). The warning and the child's waiver of these rights are part of the recording.

During the administration of the warning, pursuant to Section 51.095(f), Family Code, I requested that the officer return the child and the recording at the conclusion of the process of questioning.

In order to determine voluntariness (check all that are applicable):

- ☐ I viewed the recording with the child.
- ☐ I had the child view the recording.

From the recording or my interactions with the child I made the following observations:

- ☐ Claims to be _____ years of age and reasonably appears to be of that age;
- ☐ (Can)(cannot) read the _____ language; and (a) demonstrated to me that (he)(she) could do so; or (b) I read the attached warning and statement aloud to the child.
- ☐ Is a citizen of _____;
- ☐ Advised me that (he)(she) has completed the _____ grade in school, and is now in the _____ grade in school;
- ☐ Was not threatened or promised anything by law enforcement officers or any other agents of the State of Texas;
- ☐ Does not appear to be under the influence of drugs or intoxicating beverages, and informs me that (he)(she) is not under the influence of drugs or alcohol;
- ☐ Does not appear to have been abused by law enforcement officers, or anyone else, and upon inquiry denies that any type of abuse has occurred;
- ☐ Shows no signs of psychiatric problems which might be readily apparent, and upon inquiry by the undersigned, the child claims no history of psychiatric treatment or problems;
- ☐ Appears to understand the meaning of the warnings given and had no questions about the warnings;
- ☐ Understands what the recorded statement says, and agrees that the statement is (his)(her) version of the facts surrounding the said offense, and that the statement is true;
- ☐ Made the statement voluntarily and of (his)(her) own free will without any improper inducements or prohibited conduct by any law enforcement officers or any other persons;
- ☐ Indicated that (he)(she) had not been deprived of food, drink, or sleep.
- ☐ Additional observations that I have made during the course of interviewing the said child are as follows, if any:

_____

_____

_____

_____

Based on the foregoing observations, I, the undersigned Magistrate, do hereby determine that:

☐ The child understands the nature and content of the statement, and has knowingly, intelligently, and voluntarily waived the rights set out in the warning given pursuant to Section 51.095, Family Code.

☐ The child understands the nature and content of the recorded statement, and that the child made the statement voluntarily.

☐ The statement was **not given voluntarily**.

THIS DETERMINATION made by the undersigned Magistrate on _____, 20___, at _____ o'clock, ___.m., in _____ County, Texas.

_____
Magistrate's Name (print or type)

_____
Magistrate's Signature

_____
Office Held

MAGISTRATE'S RECORD OF SERVICE OF ORDER OF PROTECTION (Art. 17.292(j), C.C.P.)

NO: _____

STATE OF TEXAS	§	**MAGISTRATE FOR**
VS.	§	_____
_____	§	**COUNTY, TEXAS**

MAGISTRATE'S RECORD OF SERVICE OF ORDER OF PROTECTION

I, the undersigned Magistrate of the State of Texas, certify that a complete copy of the Magistrate's Order of Emergency Protection, issued on _____, 20___, was served on _____, Defendant, by: *(CHECK ONE)*

☐ The undersigned Magistrate of the State of Texas in person

☐ The undersigned Magistrate of the State of Texas electronically

☐ The undersigned Magistrate's designee, _____, in person

☐ The undersigned Magistrate's designee, _____, electronically

On _____, 20___.

SIGNED,

_____
Magistrate

Printed Name: _____

Municipal Judge, City of _____

_____ County, Texas

Editor's Notes: Beginning with Magistrate's Orders of Emergency Protection applied for on or after June 1, 2024, magistrates are required to use the form promulgated by the Office of Court Administration. See S.B. 48 (2023). To access the form and other protective order forms, go to https://www.txcourts.gov/rules-forms/standardized-protective-order-forms/.

CLERK'S LETTER: COPY OF MAGISTRATE'S ORDER OF EMERGENCY PROTECTION (Art. 17.292(h), C.C.P.)

Dear _____:

Enclosed is a copy of a Magistrate's Order of Emergency Protection entered by Judge _____ on _____, 20__.

You are a person protected by this Order. Please read this Order carefully because it restrains _____ from committing threats or acts of violence against you. The terms of the Order may contain other important restrictions as well. The Order is in effect for _____ days after it was signed.

A copy of this Order is on file with this Court and with the (Sheriff of _____County) (Chief of Police of _____). However, we suggest you keep this copy of the Order in a safe place. If the person restrained by this Order should violate the Order in any way, it is important that you call the (Sheriff) (Police) at ____*(telephone number)*.

This is a **Court Order**. No one, including yourself, can give permission to anyone to ignore or violate any provision of the enclosed Order.

Sincerely,

_____
(Deputy) Clerk

_____Municipal Court

Editor's Notes: Beginning with Magistrate's Orders of Emergency Protection applied for on or after June 1, 2024, magistrates are required to use the form promulgated by the Office of Court Administration. See S.B. 48 (2023). To access the form and other protective order forms, go to https://www.txcourts.gov/rules-forms/standardized-protective-order-forms/.

APPLICATION FOR EMERGENCY DETENTION (Sec. 573.011, H.S.C.)

NO: _____

STATE OF TEXAS	**§**	**MAGISTRATE FOR**
VS.	**§**	**_____**
_____	**§**	**COUNTY, TEXAS**

APPLICATION FOR EMERGENCY DETENTION

I, the undersigned applicant, have reason to believe and do believe that _____ _____ evidences mental illness and a substantial risk of serious harm to himself/herself or others.

This harm is specifically described as follows:

_____
_____
_____.

I further believe that the risk of harm is imminent unless the person named above is immediately restrained. My belief is derived from specific recent behavior, overt acts, attempts, or threats which are described in detail as follows:

_____
_____
_____.

My relationship to the person named above is (*describe in detail*): _____
_____
_____
_____.

Other relevant information: _____
_____
_____
_____.

Therefore, I request the Magistrate to issue an order and warrant for emergency detention, pursuant to Chapter 573, Health and Safety Code, of the person named above.

Applicant's name and address:

_____
_____
_____

Applicant's telephone number(s):

Home: _____
Work: _____

_____
Date

_____
Signature of Applicant

Editor's Note: An adult filing a written application for the emergency detention of another person must present this application personally to a magistrate (Sec. 573.012(a), H.S.C.) The magistrate may interview the applicant. A magistrate may permit an applicant who is a physician to present the application by email with the application attached as a secure PDF document or by secure electronic means, including satellite transmission, closed-circuit television transmission, or secure two-way electronic communication (Sec. 573.012(h), H.S.C.).

ORDER FOR ISSUANCE OF EMERGENCY MENTAL HEALTH WARRANT (Secs. 573.011 and 573.012, H.S.C.)

NO: _____

STATE OF TEXAS	§	**MAGISTRATE FOR**
VS.	§	_____
_____	§	**COUNTY, TEXAS**
Respondent		

ORDER

Upon presentation of an Application for Emergency Detention by _____(*name of applicant*)_____, **the Court finds** that there is reasonable cause, i.e., _____(*basis of reasonable cause)*_____ to believe that _____(*name of person to be committed*)_____ evidences (1) mental illness and (2) a substantial risk of serious harm to (himself)(herself) or others; (3) that the risk of harm is imminent unless the person is immediately restrained; and (4) emergency detention is the least restrictive means by which the necessary restraint may be accomplished.

It is therefore Ordered that a warrant shall issue for the immediate apprehension, detention, and transportation of the above named person to an appropriate treatment facility for a preliminary examination by a physician.

_____
Date Entered

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

City of _____

_____ County, Texas

MENTAL HEALTH WARRANT FOR EMERGENCY DETENTION (Sec. 573.012, H.S.C.)

NO: _____

STATE OF TEXAS	§	**MAGISTRATE FOR**
VS.	§	_____
_____	§	**COUNTY, TEXAS**
Respondent		

TO ANY HEALTH OR PEACE OFFICER OF THE STATE OF TEXAS - GREETINGS:

You are hereby commanded to apprehend _____ (*name of person to be committed*) _____ and transport same to _____, Texas for the purpose of a preliminary examination in accordance with Section 573.021, Health and Safety Code.

Herein fail not, but of this writ make due return, showing how you executed same.

Given under my hand this _____ day of _____ , 20__.

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

City of _____

_____County, Texas

Editor's Note: Effective September 1, 2023, a peace officer who transports an apprehended person to a facility is not required to remain there while the person is being screened or treated. Sec. 573.012(d-1), Health and Safety Code.

.....

OFFICER'S RETURN

Received the _____ day of _____, 20__, and executed by apprehending the person, _____, and transporting (him)(her) to _____ for temporary acceptance for preliminary examination.

Date Executed: _____ By: _____
Health or Peace Officer

Time:_____(a.m.)(p.m.)

SHERIFF'S OR MUNICIPAL JAILER'S NOTIFICATION – PERSON IN CUSTODY WITH POSSIBLE MENTAL ILLNESS/INTELLECTUAL DISABILITY (Art. 16.22, C.C.P.)

NO: _____

STATE OF TEXAS	§	**MAGISTRATE FOR**
VS.	§	_____
_____	§	**COUNTY, TEXAS**
Respondent		

SHERIFF'S OR MUNICIPAL JAILER'S NOTIFICATION

I have reasonable cause to believe that _____, a person committed to my custody, may have a mental illness or may be a person with an intellectual disability. My belief is based on the following evidence or statements:

_____
_____
_____
_____
_____.

I am aware of the following prior assessment indicating a need for referral for further assessment: _____
_____
_____
_____
_____.

_____ _____
Date Applicant's Signature

_____
Applicant's Printed Name

_____
(Sheriff)(Deputy Sheriff)(Municipal Jailer)

City of _____

_____ County, Texas

Telephone Number:_____

Editor's Note: The sheriff or municipal jailer having custody of a defendant for any offense (including Class C misdemeanors as of September 1, 2023 (See S.B. 2479 (2023)) shall provide this notice to the magistrate no later than 12 hours after receiving credible information that may establish reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability. The notice must include any information related to the sheriff's or municipal jailer's determination, such as information regarding the defendant's behavior immediately before, during, and after the defendant's arrest and, if applicable, the results of any previous assessment of the defendant.

MAGISTRATE'S ORDER FOR MENTAL ILLNESS/INTELLECTUAL DISABILITY ASSESSMENT (Art. 16.22, C.C.P.)

NO: _____

STATE OF TEXAS	§	**MAGISTRATE FOR**
VS.	§	_____
_____	§	**COUNTY, TEXAS**
Respondent		

ORDER

The Court, on this day having heard the evidence and arguments, finds that the Respondent _____ _____, is a person currently committed to the custody of the (Sheriff of _____ _____County, Texas) (municipal jailer of the City of _____). The Court further finds that:

☐ There is reasonable cause to believe that the Respondent has a mental illness.

☐ There is reasonable cause to believe that the Respondent is a person with an intellectual disability.

It is therefore Ordered that no later than: (a) 30 days from this date if the Respondent is released from custody or (b) 96 hours from this date if the Respondent is held in custody, the local mental health authority, local intellectual and developmental disability authority, or another mental health or intellectual disability expert shall: (A) interview the defendant if the defendant has not previously been interviewed by a qualified mental health or intellectual and developmental disability expert on or after the date the defendant was arrested for the offense for which the defendant is in custody and otherwise collect information regarding whether the defendant has a mental illness as defined by Section 571.003, Health and Safety Code, or is a person with an intellectual disability as defined by Section 591.003, Health and Safety Code, including information obtained from any previous assessment of the Respondent and information regarding any previously recommended treatment or service; and (B) provide to the undersigned magistrate a written report of an interview described by Paragraph (A) and the other information collected under that paragraph on the form approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments under Section 614.0032(c), Health and Safety Code.

☐ There is no reasonable cause to believe that the Respondent has a mental illness, is a person with an intellectual disability, and no examination will be ordered by this Court.

☐ The defendant is no longer in custody; or in the year preceding the date of arrest, the service provider that contracts with the jail to provide mental health or intellectual and developmental disability services determined that the defendant has a mental illness or intellectual disability; or was only arrested or charged with an offense punishable as a Class C misdemeanor. No examination will be ordered by this Court.

Signed and entered this _____ day of _____, 20__.

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

City of _____

Editor's Note: The order references a form approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments; see the *Mental Illness Assessment Notification* form in this chapter.

Under 16.22(a), the magistrate is not required to order the interview and collection of other information if the defendant is no longer in custody or if in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability by the service provider that contracts with the jail to provide mental health or intellectual and developmental disability services, the local mental health authority, the local intellectual and developmental disability authority, or another mental health or intellectual and developmental disability expert. As of September 1, 2023, a magistrate is also not required to order the interview and collection of other information if the defendant was only arrested or charged with a Class C misdemeanor (*See* S.B. 2479 (2023). A court that elects to use the results of that previous determination may proceed under Subsection (c).

If the defendant fails or refuses to submit to the interview and collection of other information regarding the defendant as required under Subdivision (1), the magistrate may order the defendant to submit to an examination in a jail, or in another place determined to be appropriate by the local mental health authority or local intellectual and developmental disability authority, for a reasonable period not to exceed 72 hours. If applicable, the county in which the committing court is located shall reimburse the local mental health authority or local intellectual and developmental disability authority for the mileage and per diem expenses of the personnel required to transport the defendant, calculated in accordance with the state travel regulations in effect at the time.

Under Article 16.22(b), the magistrate may permit a longer period of time for providing the written assessment if good cause is shown.

COLLECTION OF INFORMATION FORM FOR MENTAL ILLNESS AND INTELLECTUAL DISABILITY

AUTHORITY: Art. 16.22, Code of Criminal Procedure & Sec. 614.0032, Health &Safety Code & Chapter 552 of the Government Code

Approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI)

SECTION I: DEFENDANT INFORMATION

Defendant Name *(Last, First):* _____ Offense: _____

Date of Birth: _____ CARE Identification # *(If available)*: _____ SID or CID # *(If available):* _____

Last Four Digits of Social Security Number: _____

Current County or Municipality of Incarceration: _____ Date of Magistrate Order: _____

SECTION II: PREVIOUS HISTORY

Has the defendant been determined to have a mental illness or to be a person with an intellectual disability within the last year?

☐ *Yes* ☐ *No* ☐ *Unknown*

Date of Previous Written Report of Collected Information *(if applicable):* _____

Previous Mental Health and/or Intellectual Disability Information *(if available)*:

_____

_____

_____

SECTION III: CURRENT INFORMATION

Most Recent Diagnosis(es) and Date(s) *(if available)*:

_____

At time of the collection of information or as indicated on the jail screening form for suicide and medical/mental/developmental impairments, is the defendant acutely decompensated, suicidal, or homicidal according to self-report?

☐ *Yes- Circle Above* ☐ *No* ☐ *Not Applicable- Reason* _____

Other relevant information pertaining to mental health and intellectual disability history and/or previous treatment or service recommendations:

_____

_____

_____

Observations and Findings Based on Information Collected:

☐ Defendant is a person who has a mental illness. ☐ Defendant is a person who has an intellectual disability.

☐ There is clinical evidence to support the belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B, Code of Criminal Procedure.

☐ Any appropriate or recommended treatment or service:

_____

_____

☐ None of the above.

Procedures Used to Gather Information:

_____

SECTION IV: INFORMATION OF PROFESSIONAL SUBMITTING FORM

Name, Credentials & Organization of Person Submitting Form: _____ Date of Submission: _____

Upon completion of this form, its contents remain confidential as applicable to Health and Safety Code Chapter 614.017 & Chapter 552 of the Government Code

Approved August 2019

Editor's Note: This is the current form approved in August 2019 by the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI). However, H.B. 601 (86th Legislature (2019)) includes a directive that TCOOMMI shall approve and make generally available in electronic format a standard form for use by a person providing a written report under Article 16.22(a)(1)(B), Code of Criminal Procedure. Visit https://www.tdcj.texas.gov/documents/rid/article_16.22.pdf for a pdf version of the form and detailed instructions. Monitor www.tdcj.texas.gov for any updates to this form.

ORDER INTO CUSTODY FOR MENTAL ILLNESS/INTELLECTUAL DISABILITY EXAM (Art. 16.22(a)(3), C.C.P.)

NO: _____

STATE OF TEXAS	**§**	**MAGISTRATE FOR**
VS.	**§**	**_____**
_____	**§**	**COUNTY, TEXAS**
Respondent		

ORDER

The Magistrate finds that on the _____ day of _____, 20__, this Court found reasonable cause to believe that the Respondent _____, (has a mental illness) (is a person with an intellectual disability) and further ordered Respondent to, no later than _____ .m. on the _____ day of _____, 20__, submit to an interview by _____ to determine whether Respondent has a mental illness as defined by Section 571.003, Health and Safety Code, or is a person with an intellectual disability as defined by Section 591.003, Health and Safety Code.

The Magistrate further finds that Respondent failed to submit to the interview. It is therefore **Ordered** that a warrant shall issue for the immediate apprehension and detention of the above-named Respondent for a period not to exceed _____ hours (*72 hours maximum)* from the date of apprehension.

_____
Date

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

City of _____

_____ County, Texas

Editor's Note: In the event that a defendant fails or refuses to submit to the interview and collection of other information regarding the defendant as required under Article 16.22(a)(1) of the Code of Criminal Procedure, the magistrate *may* order the defendant to submit to an examination in a jail or in another place determined to be appropriate by the local mental health authority or local intellectual and developmental disability authority for a reasonable period not to exceed 72 hours.

WARRANT FOR MENTAL HEALTH/INTELLECTUAL DISABILITY EXAM – PERSON FAILING TO SUBMIT VOLUNTARILY (Art. 16.22(a)(3), C.C.P.)

NO: _____

STATE OF TEXAS	§	**MAGISTRATE FOR**
VS.	§	_____
_____	§	**COUNTY, TEXAS**
Respondent		

TO ANY HEALTH OR PEACE OFFICER OF THE STATE OF TEXAS - GREETINGS:

You are hereby commanded to apprehend the person _____ and transport same to _____, Texas for the purpose of:

☐ an interview to determine if the person has a mental illness as defined by Section 571.003, Health and Safety Code.

☐ an interview to determine if the person is a person with an intellectual disability as defined by Section 591.003, Health and Safety Code.

It is furthered Ordered, pursuant to Article 16.22(a)(3), Code of Criminal Procedure, that the person be held in custody no more than _____hours (*72 hours maximum)* for the purpose of said interview.

Herein fail not, but of this writ make due return, showing how you executed same.

Given under my hand this _____ day of _____ , 20__.

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

City of _____

_____ County, Texas

.....

OFFICER'S RETURN

Received the _____ day of _____, 20__, and executed by apprehending the person, _____, and transporting (him)(her) to _____.

Date Executed: _____ By: _____
Health or Peace Officer

Time: _____ (a.m.)(p.m.)

Editor's Note: The magistrate may order a defendant who fails or refuses to submit to the collection of information regarding the defendant as required under Article 16.22(a)(1) of the Code of Criminal Procedure, the magistrate may order the defendant to submit to an examination in a jail or in another place determined to be appropriate by the local mental health authority or local intellectual and developmental disability authority for a reasonable period not to exceed 72 hours.

RELEASE: PERSONAL BOND – CERTAIN MENTALLY ILL DEFENDANTS (Art. 17.032, C.C.P.)

Report #: _____

Agency: _____

Charge: _____

The undersigned Magistrate determines that:

1) the Defendant, _____, is not charged with nor has been previously convicted of a violent offense as that term is defined in Article 17.032(a) of the Code of Criminal Procedure;
2) the Defendant was examined by the service provider that contracts with the jail to provide mental health or intellectual and developmental disability services, the local mental health authority, the local intellectual and developmental disability authority, or another qualified mental health and developmental disability expert under Article 16.22;
3) the applicable expert, _____, in a written report submitted to the undersigned Magistrate under Article 16.22 of the Code of Criminal Procedure concludes that the Defendant has a mental illness or is a person with an intellectual disability and is nonetheless competent to stand trial and recommends (mental health treatment) (intellectual and developmental disability services) for the Defendant; and
4) in consultation with the (local mental health authority) (local intellectual and developmental disability authority), appropriate community-based mental health or intellectual and developmental disability services for the Defendant are available in accordance with Section 534.053 or 534.103 of the Health and Safety Code, or through another mental health or intellectual and developmental disability services provider.

The undersigned Magistrate further finds that after considering all the circumstances, a pretrial risk assessment (*if applicable*), and any other credible information provided by the attorney representing the State or the Defendant, that release on personal bond would reasonably ensure the Defendant's appearance in court as required and the safety of the community and the victim of the alleged offense.

Therefore, pursuant to Article 17.032 of the Code of Criminal Procedure, the Defendant is **ORDERED** released on personal bond on the above charge. *(Check any applicable boxes below)*

☐ As a condition of release on personal bond, the Defendant is **ORDERED** to submit to outpatient or inpatient mental health treatment or intellectual and developmental disability services as recommended by the service provider that contracts with the jail to provide mental health or intellectual and developmental disability services, the local mental health authority, the local intellectual and developmental disability authority, or another qualified mental health or intellectual and developmental disability expert. *(required if the defendant's mental illness or intellectual disability is chronic in nature; or ability to function independently will continue to deteriorate if the defendant* does not receive *the recommended treatment or services).*

☐ As a condition of release on personal bond, the Defendant is **ORDERED** to _____
_____
_____ *(The magistrate may require the defendant to comply with other conditions that are reasonably necessary to ensure the defendant's appearance in court as required and the safety of the community and the victim.)*

☐ The Defendant is released on personal bond with no conditions of release.

A copy of this Order shall be placed with the records of the Defendant.

SIGNED THIS _____ day of _____, 20___ at _____ o'clock ____.m.

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____

_____ County, Texas

_____
Name of Interpreter (If Necessary)

Editor's Note: Notwithstanding Article 17.03(b), or a bond schedule adopted, or a standing order entered by a judge, a magistrate shall release a defendant on personal bond unless good cause is shown otherwise if the requirements in Article 17.032(b) are satisfied. A person is considered to have been convicted of an offense under Article 17.032 if a sentence is imposed, the person is placed on community supervision or receives deferred adjudication, or the court defers final disposition of the case.

SCHEDULE OF SEIZED PROPERTY ALLEGED TO HAVE BEEN STOLEN (Art. 47.03, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

To the Honorable Judge of said Court:

Comes now, _____, a peace officer, with the _____, and files this schedule to certify the following information. On the _____ day of _____, 20__, at _____, a location in _____ County, Texas, I seized the following property, described as follows:

_____
_____
_____.

I seized the above described property from _____, whose mailing address is _____.
The property was seized because _____
_____
_____.

Furthermore, I have reliable knowledge that the following named parties may have a claim to possession of the above described property. The names and mailing addresses are as follows: _____
_____
_____.

The above described property is currently stored at _____, and has been incurring a daily storage fee of $_____, since the _____ day of _____, 20__. Additional charges of $_____ were incurred as a result of _____
_____.

I estimate the value of this property to be $_____.

No criminal action relating to this property is pending.

Filed this _____ day of _____, 20__.

_____
Peace Officer

Name: _____

Address: _____

_____

Telephone: _____

NOTICE OF STOLEN PROPERTY HEARING (Arts. 47.01a and 47.02, C.C.P.)

CAUSE NUMBER: _____

EX. REL.	**§**	**IN THE MUNICIPAL COURT**
	§	**CITY OF _____**
_____ **(Describe Property)**	**§**	**_____COUNTY, TEXAS**

NOTICE

On the _____ day of _____, 20__, certain items of personal property alleged to have been stolen came into custody of an officer and are being held pending a determination of which party has the right to possession of said property. The property, _____ _____ _____ _____, is being held at _____, a location in the City of _____ , Texas.

A hearing is hereby scheduled to determine who has the right to possession of the above described property. The hearing will be held at _____ o'clock ___.m. on the _____ day of _____, 20__, at _____ in _____, Texas. If you feel you have a valid claim to possession of this property, you must appear at this proceeding with proof to support your claim. If you are not present at this hearing, the Court may presume you either do not have a valid claim to possession, or you have abandoned your claim to possession, or you do not wish to assert such claim.

If you have any questions, please call the Municipal Court, _____.

_____
Magistrate

_____
Magistrate's Printed of Typewritten Name

City of _____

_____County, Texas

By: _____

Date: _____

Editor's Note: Venue for stolen property hearings under 47.01a of the Code of Criminal Procedure includes any municipal court in any municipality in which the property is seized or in which the property was alleged to have been stolen, except that the court may transfer venue to a court in another county on the motion of any interested party. Under Article 47.02 of the Code of Criminal Procedure, venue to determine the right of possession of stolen property is in the county in which the property was alleged to have been stolen or in the county in which a criminal action for theft or any other offense involving illegal acquisition of property is pending.

ORDER RESTORING STOLEN PROPERTY WHEN NO TRIAL IS PENDING (Art. 47.01a, C.C.P.)

CAUSE NUMBER: _____

EX. REL.	§	**IN THE MUNICIPAL COURT**
	§	**CITY OF _____**
_____ (Describe Property)	§	**_____COUNTY, TEXAS**

ORDER

Whereas, on the _____ day of _____, 20__, in the Municipal Court of _____ County, Texas, came on to be heard and was heard in the above styled case wherein _____ is seeking to establish the right to possession of the following described property: _____

_____

now in the possession and control of _____, a peace officer with the _____.

All parties expressing a claim to possession were properly notified of this hearing, and those desiring to assert such claim to possession appeared in person or through their attorney; and the Court, after hearing all the evidence and testimony, finds that no criminal action regarding this property is pending and is of the opinion that:

- ☐ the property was not acquired by theft or another offense and possession of the above-described property should be awarded to _____, whose mailing address is _____.
- ☐ probable cause exists to believe that the property was acquired by theft or by another manner that makes its acquisition an offense and that the identity of the actual owner of the property cannot be determined.

[If not acquired by theft/offense] **Therefore, [upon motion by the State], it is hereby Ordered** that possession of said property now in the possession and control of _____ be immediately delivered/awarded to:

- ☐ _____, having the superior right to possession [subject to the condition that such property shall be available to the prosecuting authority should it be needed in future prosecutions].
- ☐ the custody of the peace officer, _____, pending resolution of criminal investigations regarding the property.

[If acquired by theft/offense] **Therefore, it is hereby Ordered** that _____, a peace officer with the _____:

- ☐ deliver the property to a government agency for official purposes.
- ☐ deliver the property to a person authorized by Article 18.17 of the Code of Criminal Procedure to receive an dispose of the property.
- ☐ destroy the property.

Furthermore, it is hereby Ordered that _____ pay all reasonable charges for the safekeeping of said property while in the possession and control of _____ while in the custody of the law, and the possession not be transferred until such charges are paid. Said charges, having been verified by the attached affidavit are determined to be $_____, and shall be paid to _____.

Be it further Ordered that _____ make due return, showing how you executed same.

Entered and signed this the _____ day of _____, 20__.

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

City of _____

_____County, Texas

.....

Executed by transferring possession and control of the above-described property to:

_____.

This the _____ day of _____, 20__.

_____
Peace Officer

Editor's Note: The person who has the superior right to possession of the property, as determined in a hearing under Article 47.01a(a), is responsible for any transportation necessary to deliver the property to the person as ordered under that subsection.

ORDER RESTORING STOLEN PROPERTY ON TRIAL (Art. 47.02, C.C.P.)

CAUSE NUMBER: _____

EX. REL.	**§**	**IN THE MUNICIPAL COURT**
	§	**CITY OF _____**
_____ (Describe Property)	**§**	**_____COUNTY, TEXAS**

ORDER

Whereas, on the _____ day of _____, 20__, in the Municipal Court of _____ County, Texas, with written consent of the prosecuting attorney (attached), _____, in the following criminal action: _____, came to be heard and was heard in the above styled case wherein _____ is seeking to establish the right to possession of the following described property: _____

_____

now in the possession and control of _____, a peace officer with the _____.

All parties expressing a claim to possession were properly notified of this hearing, and those desiring to assert such claim to possession appeared in person or through their attorney; and the Court, after hearing all the evidence and testimony, finds that possession of the above described property should be awarded to _____, as true owner of the property alleged to be stolen, whose mailing address is _____.

Therefore, it is hereby Ordered that possession of said property now in the possession and control of _____ be immediately delivered to: _____.

Furthermore, it is hereby Ordered that _____ pay all reasonable charges for the safekeeping of said property while in the possession and control of _____ while in the custody of the law, and the possession not be transferred until such charges are paid. Said charges, having been verified by the attached affidavit of _____ are determined to be $_____, and shall be paid to _____.

Be it further Ordered that _____ make due return, showing how you executed same.

Entered and signed this the _____ day of _____, 20__.

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

City of _____

_____County, Texas

.....

Executed by transferring possession and control of the above-described property to:

_____.

This the _____ day of _____, 20__.

_____
Peace Officer

Editor's Note: Article 47.02(c), C.C.P. states that, "the owner of the property is responsible for any transportation necessary to restore the property to the owner as ordered under this article."

ORDER RESTORING STOLEN PROPERTY UPON AN EXAMINING TRIAL (Art. 47.04, C.C.P.)

NO: _____

STATE OF TEXAS	§	**MAGISTRATE FOR**
VS.	§	_____
_____	§	**COUNTY, TEXAS**

ORDER

Whereas, on the _____ day of _____, 20__, in the _____ Court of _____ County, Texas, in the above styled examining trial, in satisfaction of the court, proof was established of true ownership and, thereby, the right to possession of the following described property: _____

_____

now in the possession and control of _____, a peace officer with the _____ _____ .

The Court, after hearing all the evidence and testimony, finds that possession of the above-described property should be awarded to _____, as true owner of the said property, whose mailing address is _____ _____.

Therefore, upon motion by the State, it is hereby Ordered that possession of said property now in the possession and control of _____ be immediately delivered to _____ subject to the condition that such property shall be available to the State or by order of any Court having jurisdiction of the offense to be used for evidentiary purposes.

Furthermore, it is hereby Ordered that _____ pay all reasonable charges for the safekeeping of said property while in the possession and control of _____ while in the custody of the law, and the possession not be transferred until such charges are paid. Said charges, having been verified by the attached affidavit of _____ are determined to be $_____, and shall be paid to _____.

Be it further Ordered that _____ make due return, showing how you executed same.

Entered and signed this the _____ day of _____, 20__.

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

City of _____

_____County, Texas

.....

Executed by transferring possession and control of the above-described property to:

_____.

This the _____ day of _____, 20__.

_____
Peace Officer

INVENTORY OF PROPERTY TAKEN UNDER A SEARCH WARRANT (Arts. 18.10 and 18.11, C.C.P.)

THE STATE OF TEXAS, §

CITY OF _____ §

_____ COUNTY §

INVENTORY

My name is _____ and I am commissioned as a peace officer by _____ _____. On the _____ day of _____, 20__, at _____, a location in _____ County, Texas, I seized the following property, described as follows:

_____
_____
_____
_____
_____.

I seized the above described property from _____, whose mailing address is _____.

The property was seized because _____
_____
_____
_____
_____
_____.

Filed this _____ day of _____, 20__.

_____
Peace Officer

Name: _____

Address: _____

_____

Telephone: _____

Editor's Note: A blood specimen seized pursuant to a warrant executed under Article 18.067, Code of Criminal Procedure, may be removed from the county in which it was seized and returned to the county in which the warrant was issued without a court order.

ORDER DIRECTING SAFEKEEPING OF PROPERTY TAKEN UNDER A SEARCH WARRANT (Arts. 18.10 and 18.11, C.C.P.)

NO: _____

STATE OF TEXAS	**§**	**MAGISTRATE FOR**
VS.	**§**	**_____**
_____	**§**	**COUNTY, TEXAS**

ORDER

Whereas, on the _____ day of _____, 20__, in _____County, Texas, _____, a peace officer with the _____, seized the following described property: _____

_____

from _____, and delivered a copy of the inventory of the same to _____, Magistrate for _____County, Texas. Said property, taken into the above named officer's possession under a search warrant, remains in the custody of that officer.

It is hereby **Ordered** that said property shall be kept as follows: _____

_____

Until _____

The property, unless it is a blood specimen seized under Article 18.067, Code of Criminal Procedure, may not be removed from the county in which it was seized without an order approving the removal, issued by a magistrate in the county in which the warrant was issued, to wit _____ County, Texas. However, nothing shall prevent the above named officer, or his/her department, from forwarding any item or items seized to a laboratory for scientific analysis.

Entered and signed this the _____ day of _____, 20__.

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

City of _____

_____County, Texas

ORDER FOR IMPOUNDMENT OF OUT-OF-STATE MOTOR VEHICLE (Secs. 601.291 and 601.294, T.C.)

NO: _____

STATE OF TEXAS	§	**MAGISTRATE FOR**
VS.	§	_____
_____	§	**COUNTY, TEXAS**

WHEREAS IT IS FOUND:

1. The owner or operator of the vehicle has not registered the vehicle in this state;
2. The owner or operator of the vehicle was involved in a motor vehicle collision in this State that resulted in bodily injury, death, or damage to the property of one person to an apparent extent of at least $500;
3. There is a reasonable possibility of a judgment being rendered against the owner or operator of the vehicle for any bodily injury, death, or property damage sustained in the motor vehicle collision;
4. The owner or operator of the vehicle failed to provide:
   a. Evidence of financial responsibility for the bodily injury, death, or property damage; or
   b. Evidence that the person is exempt from the requirement of financial responsibility, pursuant to Section 601.051, Transportation Code.

THE MAGISTRATE IS REQUIRED TO ORDER:

Pursuant to Section 601.294 of the Transportation Code, that the Sheriff of _____ County, Texas, (Chief of Police of _____, Texas) take into possession and safekeeping the described motor vehicle, to wit:

Make: _____ Model: _____ Color: _____ Year: _____

License Number: _____ State: _____ VIN: _____

Vehicle Operator: _____

Vehicle Owner: _____

Address of Owner: _____

NOTICE TO VEHICLE OWNER:

Texas law provides that the motor vehicle remain impounded until you present to the person authorized to release the vehicle:

1. a certificate of release obtained from the Department of Public Safety pursuant to Section 601.296, Transportation Code; and
2. pay for the cost of impoundment.

Ordered, signed, and delivered on _____ day of _____, 20___.

_____
Magistrate

_____
Magistrate's Printed or Typewritten Name

Municipal Judge, City of _____

_____ County, Texas



TRIAL APPEARANCE BONDS

TRIAL APPEARANCE BONDS

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Editor's Note: Effective September 1, 2017, a judge may not, either instead of or in addition to a personal bond, require a defendant to give a bail bond unless: (1) the defendant fails to appear in accordance with this code with respect to the applicable offense; and (2) the justice or judge determines that: (A) the defendant has sufficient resources or income to give a bail bond; and (B) a bail bond is necessary to secure the defendant's appearance in accordance with the Code of Criminal Procedure. Additionally, if a defendant required to give a bail bond under Article 45.016(b) remains in custody, without giving the bond, for more than 48 hours after the issuance of the applicable order, the judge shall reconsider the requirement for the defendant to give the bond. Art. 45.016, C.C.P. (H.B. 351/S.B. 1913, 85th Legislature (2017)).

CASH BOND: POSTED BY THE DEFENDANT (Arts. 17.02, 17.08, and 45.044, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

Know All Men By These Presents:

That I, _____, charged with a misdemeanor offense of _____, am held and firmly bound unto the State of Texas by and through the City of _____ in the penal sum of _____ ($_____) dollars in cash in lieu of sureties deposited as security to insure my personal appearance before the Municipal Court of the City of _____ on the _____ day of _____, 20__, at _____ o'clock ___.m. to answer the accusation against me. I further bind myself to appear before any court or magistrate before whom the cause may thereafter be pending at any time and place where my presence may be required until discharged by due course of law. In the event that any of the conditions of this bond are violated, I will pay all necessary and reasonable expenses and fees that may be incurred by any peace officer in re-arresting me. However, if I fulfill all the terms of this bond, this obligation shall become void and the amount deposited herein shall be refunded to me; otherwise to remain in full force and effect.

Signed and Dated: _____, 20___

_____
Defendant's Signature

Address: _____
Telephone: _____
Place of Employment: _____
Telephone: _____
Driver's License Number: _____
Date of Birth: _____
Height: _____Weight: _____
Color Hair: _____Eyes: _____

Name, Address, & Telephone of Nearest Relative:
_____
_____
_____
_____

Received this _____ day of _____, 20__ by _____.

Filed by _____ on this _____ day of _____, 20 ___.
Clerk

. . . . . .

NOT A CONDITION OF RELEASE

PLEA OF NOLO CONTENDERE (For Cash Bond Forfeiture)

❒ If I, the undersigned, **fail to appear** at the date and time stated in the cash bond that I posted with the Municipal Court of _____, or at any time the Court requires my personal appearance, **I waive my right to a jury trial or any trial and plead nolo contendere** (meaning "no contest") to the said offense charged. I understand that the **bond will be forfeited to satisfy the fine and costs** that the judge assesses and that my plea may result in a conviction appearing on either a criminal record or a driver's license record. I understand that this plea of nolo contendere does not constitute a condition of my release from jail.

Signed and dated this _____ day of _____, 20__.

❒ I understand that I must appear in Court to enter a plea of not guilty.

Signed and dated this _____ day of _____, 20__.

_____
Defendant's Signature

Editor's Note: See editor's note below the table of contents for this chapter concerning restrictions for requiring bail bonds. Effective September 1, 2015, a bail bond may be filed electronically in any manner permitted by the county in which the bond is written. Art. 17.026, C.C.P.

CASH BOND: POSTED BY A THIRD PARTY (Arts. 17.02 and 17.08, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

Know All Men By These Presents:

That _____, Defendant, charged with a misdemeanor offense of _____, is held and firmly bound unto the State of Texas by and through the City of _____ in the penal sum of _____ ($_____) dollars in cash posted by _____ *(person posting the bond)* in lieu of sureties deposited as security to insure his/her personal appearance before the Municipal Court of the City of _____ on the _____ day of _____, 20__, at _____ o'clock ___.m. The defendant further binds him/herself to appear before any court or magistrate before whom the cause may thereafter be pending at any time and place where his/her presence may be required until discharged by due course of law. In the event that any of the conditions of this bond are violated, I will pay all necessary and reasonable expenses and fees that may be incurred by any peace officer in re-arresting Defendant. However, if Defendant fulfills all the terms of this bond, this obligation shall become void and the amount deposited herein shall be refunded to me; otherwise to remain in full force and effect.

Signed and Dated: _____, 20___

_____
Signature of Person Posting Bond

Address: _____
Telephone: _____
Place of Employment: _____
Telephone: _____
Driver's License Number: _____
Date of Birth: _____
Height: _____Weight: _____
Color Hair: _____Eyes: _____

_____
Signature of Defendant

Name, Address, & Telephone of Nearest Relative:
_____
_____
_____
_____

Receipted for this _____ day of _____, 20__ by _____.

Filed by _____ on this _____ day of _____, 20 ___.
Clerk

. . . . . .

RECEIPT FOR CASH BOND

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

On this day, the _____ day of _____, 20___, I received _____ ($_____) dollars in cash posted by _____ *(person posting the bond)* as security to insure the personal appearance of _____, Defendant in the above referenced cause in the above named Municipal Court.

If Defendant complies with the conditions of this bond, upon order of the Court, this amount shall be refunded to _____ *(person posting the bond).*

_____
Signature of Court Official Accepting the Bond

Editor's Note: See editor's note below this chapter's table of contents concerning restrictions for bail bonds. Effective September 1, 2015, a bail bond may be filed electronically in any manner permitted by the county in which the bond is written. Art. 17.026, C.C.P.

PERSONAL BOND (Arts. 17.03, 17.04, and 17.08, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS.	§	**CITY OF _____**
_____	§	**_____COUNTY, TEXAS**

Know All Men by These Presents:

That I, _____, charged with a misdemeanor offense of _____, am held and firmly bound unto the State of Texas by and through the City of _____ in the penal sum of _____ ($_____) dollars for the payment which sum well and truly to be made, and all necessary and reasonable fees and expenses that may be incurred by peace officers in re-arresting me, in the event the conditions of this bond are violated, I do bind myself, my heirs, executors, and administrators, jointly and severally.

I swear that I will appear before the _____ Municipal Court at _____ _____ *(address, city, county)*, Texas, on the _____ day of _____, 20__, at the hour of _____ (a.m.)(p.m.) or upon notice by the Court, or pay to the Court the principal sum of $_____, plus all necessary and reasonable expenses incurred in any arrest for failure to appear.

Now if I shall well and truly make said appearance before the said Court, and there remain from day to day and term to term of said Court, until discharged by due course of law, then and there to answer said accusation against me, and further shall well and truly make my personal appearance in any and all subsequent proceedings that may be had relative to said charge in the course of the criminal action based on said charge, this obligation shall become void; otherwise to remain in full force and effect.

Address: _____
Telephone: _____
Place of Employment: _____
Telephone: _____
Driver's License Number: _____State: ___
Date of Birth: _____
Place of Birth:_____
Height: _____Weight: _____
Color Hair: _____Eyes: _____

_____
Defendant's Signature

Name, Address, & Telephone of Nearest Relative:
_____
_____
_____
_____

Sworn to and subscribed before me, this _____ day of _____, 20__.

_____
Notary Public in and for the State of Texas

Approved and filed this _____ day of _____, 20__.

_____
Judge, Municipal Court

City of _____

_____County, Texas

Filed by: _____on_____ day of_____, 20____
Clerk

Editor's Note: Effective September 1, 2021, a personal bond is not required to contain the oath described by 17.04(a)(3) if the magistrate makes a determination under Article 16.22 that the defendant has a mental illness or is a person with an intellectual disability, including by using the results of a previous determination under that article; the defendant is released on personal bond under Article 17.032; or the defendant is found incompetent to stand trial in accordance with Chapter 46B. (S.B. 49, 87th Legislature (2021)).

SURETY BOND (Arts. 17.02 and 17.08, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

Know All Men by These Presents:

That we, _____, as Principal and the undersigned, _____, as Surety, are held and firmly bound unto the State of Texas by and through the City of _____, in the penal sum of _____ ($_____) dollars and, in addition thereto, we are bound for the payment of all necessary and reasonable fees and expenses that may be incurred by any peace officer in re-arresting the said Principal in the event any of the hereinafter stated conditions of this bond are violated, for the payment of which sum or sums well and truly to be made, we do bind ourselves, and each of us, our heirs, executors, and administrators, jointly and severally.

The condition of this bond is that the Principal has been charged with a misdemeanor offense, to wit: _____; and to secure Principal's release from custody, we are entering into this obligation binding Principal to appear before the Municipal Court of the City of _____, _____ County, Texas.

Now therefore, if the said Principal shall well and truly make Principal's personal appearance before said Municipal Court located at _____ on the _____ day of _____, 20__ at ___.m., as well as before any court to which the same may be pending, and for any and all subsequent proceedings that may be had relative to said charge in the course of criminal actions based on said charge, and there remain from day to day and term to term of said courts, until discharged by due course of law, then and there to answer said accusation against Principal, this obligation shall become void; otherwise to remain in full force and effect.

Signed and dated: _____, 20__

_____ Principal

_____
Mailing Address

Race_____ Gender_____ DOB _____
HT_____ WT_____ Hair _____
Eyes_____ DL number _____
State_____ SS number _____

_____ Surety

_____
Mailing Address

If Surety is attorney:
I am licensed to practice law in Texas
and I actually represent the Principal
in the criminal case for which I have
executed this bond.

_____
Signature of Attorney State Bar of Texas Number

Taken and approved this _____ day of _____, 20__

_____
(Judge, Municipal Court)(Chief of Police)(Sheriff)

City of _____

_____County, Texas

Filed by: _____ on _____ day of _____, 20___.
Clerk

Editor's Note: See editor's note below the table of contents for this chapter concerning restrictions for requiring bail bonds. Effective September 1, 2015, a bail bond may be filed electronically in any manner permitted by the county in which the bond is written. Art. 17.026, C.C.P.

OATH OF SURETY (Art. 17.13, C.C.P.)

THE STATE OF TEXAS
COUNTY OF _____

I, _____, the undersigned Affiant-Surety, do swear that I am worth, in my own right, at least the sum of _____ ($_____) dollars, after deducting from my property all that which is exempt by the Constitution and laws of the State of Texas from forced sale, and after the payment of all my debts of every description, whether individual or security debts, and after satisfying all encumbrances upon my property which are known to me; that I reside in _____ County, and have property in this State liable to execution worth said amount or more.

_____ Surety's Signature

Subscribed and sworn to before me this _____ day of _____, 20__.

_____
(Judge)(Clerk)(Magistrate)(Sheriff)

I, the undersigned Affiant-Surety, do swear that I am the sole owner of the following described properties; that each piece of the same is presently of the market value set opposite each piece of the same; that the same is encumbered only to the extent and in the amount set opposite each piece of said property; and that each piece of the same, after deducting the amount of the encumbrance shown from the present market value thereof, has the net value set opposite each piece thereof, to wit:

Location & Description	Present Market Value	Encumbrance	Net Value
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

AS LISTED WITH THE SHERIFF'S OFFICE

I, the undersigned Affiant-Surety, do swear that:

None of the property above described is Affiant's homestead, and that the Affiant is not using, and does not intend to use the same, or any part thereof, for any homestead or business purposes; that no part of said property is exempt from forced sale under the laws of the State of Texas; that no part of said property is involved in litigation of any kind of character; that the title to the above described property is good of record and in fact the Affiant; that Affiant has never heard his/her title to any part of said property questioned by any person or corporation whomsoever; and that no part of the same is occupied by any person or corporation claiming adversely to the Affiant;

The above-described property, all or part of the same, will not be transferred to any person or corporation during the period this bond is in force and effect; this bond constituting a lien on said property;

The following is a full and complete list and statement of all bonds of every kind and character on which the Affiant is a surety or principal, and the amounts of such bonds, to wit: _____
_____
_____
_____;

There are no abstracts of judgment recorded in _____ County, Texas or elsewhere, against the Affiant; and

The Affiant makes this statement for purposes of inducing the approval and acceptance of said bond with himself/herself as a surety thereon, well knowing and believing that the making of this statement will induce the official charged with the duty of accepting and approving said bond to accept and approve the same, and that all statements herein contained are true.

_____
_____ Affiant-Surety

Subscribed and sworn to before me this _____ day of _____, 20____ by _____, Affiant

_____ Notary Public, State of Texas

THE STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, a Notary Public in and for said State and county, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purpose and consideration therein expressed.

Granted under my hand and seal of office on this the _____ day of _____, 20____.

_____ Notary Public, State of Texas

MOTION AND ORDER TO REVOKE PERSONAL BOND

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

MOTION TO REVOKE PERSONAL BOND

To the Honorable Judge of Said Court:

Comes now _____, Applicant, and files this Motion to Revoke Personal Bond in the amount of $_____ in order that the Defendant, _____, be remanded to the _____ (City)(County) Jail.

This motion is made for the following reason(s): *(state reasons for revocation)*

_____
_____
_____

Wherefore, Applicant prays the Court to issue a writ directing any proper officer of the State of Texas to re-arrest said Defendant.

Respectfully submitted,

_____
Name

_____
Position

I hereby certify that a true and correct copy of this Motion to Revoke Bond was delivered to (the Defendant) (Counsel for the Defendant), on this the _____ day of _____, 20___.

_____
Name

_____
Position

ORDER

On this the _____ day of _____, 20___, came on to be considered this Motion to Revoke Personal Bond. The Court having considered said motion is of the opinion that the Motion to Revoke Personal Bond should be (granted) (denied).

Signed this the _____ day of _____, 20___.

_____
Judge, Municipal Court

(municipal court seal)

City of _____

_____, County, Texas

Editor's Note: Upon granting the Motion to Revoke Personal Bond, the Judge should issue a **capias** (pursuant to Chapter 23, C.C.P.) or an **arrest warrant** (pursuant to Article 45.014, C.C.P.) to procure custody of the Defendant.

BOND FORFEITURE

BOND FORFEITURE

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AFFIDAVIT OF INTENTION TO SURRENDER PRINCIPAL (Art. 17.19, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF_____**
_____	**§**	**_____COUNTY, TEXAS**

AFFIDAVIT

Before me, the undersigned authority, on this the _____ day of _____, 20__ personally appeared _____, who, being by me duly sworn upon oath deposes and says that they are a Surety upon the bail bond of _____, Principal, who stands charged in the Municipal Court in the City of _____, Texas, with a misdemeanor, to wit: _____ _____and that it is their desire and intention to surrender the said _____ into the custody of the Chief of Police, City of _____, Texas, and upon said Principal being placed in custody of the proper person as provided by law to be released from any further liability as such Surety, and that this affidavit is made for the purpose of requesting the judge of said Court to issue a warrant of arrest for said Principal. The Surety further states that they have notified the Principal's attorney (if represented by an attorney) pursuant to Article 17.19, Code of Criminal Procedure, of the intention to surrender said Principal to the Court.

The said Surety further states on (his)(her) oath that:

1. Bond was made on the _____ day of _____, 20__;
2. The amount of fee paid was $_____;
3. Notice of the Surety's intention to surrender the Principal has been given as required by Article 17.19(a), Code of Criminal Procedure;
4. The reason for the surrender is:_____ _____.

Wherefore, Petitioner asks the Court that a warrant of arrest issue directing the Chief of Police of the City of _____, Texas, to place the Defendant in jail.

_____
Surety

Subscribed and sworn to before me, this the _____ day of _____, 20__.

_____
(Judge)(Clerk)(Notary Public in and for the State of Texas)

ORDER

On this the _____ day of _____, 20__, it having come to my attention that the foregoing affidavit of intention to surrender Principal has been filed by the Surety in regard to the above mentioned prosecution which is pending in this court;

It is therefore ordered that a warrant of arrest be issued forthwith for _____, Principal in said prosecution. Said warrant shall be executed as in other cases.

(municipal court seal)

_____
(Magistrate)(Judge)
Municipal Court, City of _____
_____County, Texas

Editor's Note: The surety may deliver the affidavit to any other magistrate in the county if the court or magistrate before whom the prosecution is pending is not available. Art. 17.19(c), C.C.P. A surety may not be released from responsibility if the accused is in federal custody to determine whether the accused is lawfully present in the United States under Article 17.16, C.C.P.

CAPIAS: AFTER FORFEITURE OR UPON SURRENDER OF PRINCIPAL (Arts. 17.19 and 23.05, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF_____**
_____	**§**	**_____COUNTY, TEXAS**

TO ANY PEACE OFFICER, SECURITY OFFICER, OR PRIVATE INVESTIGATOR OF THE STATE OF TEXAS - GREETINGS:

You are hereby commanded to take the body of _____, herein called Principal, and safely keep (him)(her) so that (he)(she) may be brought before the Municipal Court, City of _____, _____ County, Texas, located at _____ immediately upon the order of said Court, to be dealt with according to the law, then and there to answer the City of _____, Texas, in a charge by complaint wherein the said Principal is charged with the offense of _____, and (*the Surety on the Principal's bond herein has made before this Court an affidavit (which is by this reference incorporated herein for all purposes) of an intention to surrender the Principal and obtain from this Court a capias for such Principal pursuant to Article 17.19, Code of Criminal Procedure) or (*the Court has ordered the Defendant's bond forfeited and rendered final the judgment nisi against the Defendant-Principal or Defendant Surety(ies), and pursuant to Article 23.05, Code of Criminal Procedure, shall immediately issue a capias for the Defendant's arrest).

Herein fail not, but make due service and return of this writ of capias on _____, 20___, showing how you executed the same.

Signed this _____ day of _____, 20___.

_____
(Magistrate)(Judge)

(municipal court seal)

Municipal Court, City of _____

_____County, Texas

.....

OFFICER'S RETURN

Capias received _____, 20__, and executed _____, 20__, by arresting the Defendant and:

☐ placing (him)(her) in jail in _____ County, Texas, or
☐ taking (his)(her) bond.

_____
(Peace Officer)(Security Officer)(Private Investigator) for the State of Texas

Editor's Note: A capias under this article must be issued not later than the 10th business day after the date of the court's issuance of the order of forfeiture or order permitting surrender of the bond. Art. 23.05(c), C.C.P.

Under Art. 17.19(e), C.C.P, an arrest warrant or capias may be executed by a peace officer, a security officer, or a private investigator licensed in Texas. The previous version of this form included "security guards," but the statute does not specifically identify this group. Using the term "security officer" tracks the statute more closely.

WARRANT OF ARREST: SURRENDER OF PRINCIPAL (Art. 17.19, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF_____**
_____	**§**	**_____COUNTY, TEXAS**

TO ANY PEACE OFFICER, SECURITY OFFICER, OR PRIVATE INVESTIGATOR OF THE STATE OF TEXAS - GREETINGS:

You are hereby commanded to take the body of _____, herein called Principal, and safely keep (him)(her) so that (he)(she) may be brought before the Magistrate, County of _____, Texas, located at _____ immediately upon the order of said Magistrate, to be dealt with according to the law, then and there to answer the jurisdiction of _____, Texas, in a charge by complaint wherein the said Principal is charged with the offense of _____, and the Surety on the Principal's bond herein has made before this Magistrate an affidavit (which is by this reference incorporated herein for all purposes) of an intention to surrender the Principal and obtain from this Magistrate a warrant of arrest for such Principal pursuant to Article 17.19, Code of Criminal Procedure.

Herein fail not, but make due return of this warrant of arrest, showing how you executed the same.

Signed this _____ day of _____, 20___.

_____
Magistrate

_____ County, Texas

.....

OFFICER'S RETURN

Warrant of arrest received _____, 20__, and executed _____, 20__, by arresting the Defendant and:

☐ placing (him)(her) in jail in _____ County, Texas, or
☐ taking (his)(her) bond.

_____
(Peace Officer)(Security Officer)(Private Investigator) for the State of Texas

BAILIFF'S/CLERK'S AFFIDAVIT OF DEFENDANT'S FAILURE TO APPEAR

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF_____**
_____	**§**	**_____COUNTY, TEXAS**

AFFIDAVIT

On the _____ day of _____, 20__, this cause came on for (arraignment)(trial) and in accordance with my official duties of office, I, the undersigned (bailiff)(deputy clerk)(clerk) of the City of _____ Municipal Court do under oath state that I was present in the courtroom when this cause was called on the docket. I personally observed that the Defendant did not appear or answer in the courtroom. Pursuant to the order of this Court and in accordance with my official duties of office, I distinctly called the Defendant's name at the courthouse door in accordance with law and, after a reasonable time given to the Defendant to answer and appear, the Defendant neither answered nor appeared.

_____
Affiant

Sworn and subscribed before me by _____

_____, a credible person, this _____ day of _____, 20____.

_____
(Judge)(Deputy Clerk)(Clerk), Municipal Court

City of _____

_____ County, Texas

JUDGMENT NISI DECLARING FORFEITURE: CASH OR PERSONAL RECOGNIZANCE BOND (Arts. 22.02 and 22.035, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF_____**
_____	**§**	**_____COUNTY, TEXAS**

JUDGMENT NISI

This day, Cause Number _____ was called, and thereupon came the State of Texas by the City Attorney of _____, but the Defendant, _____, failed to appear and answer in (his)(her) behalf, and thereupon (his)(her) name was called distinctly at the door of the courthouse in accordance with the law, and after a reasonable time given the Defendant to appear, the said Defendant failed to appear in Court to answer on the charge of a misdemeanor, to wit:_____ according to the tenor and effect of (his)(her) bond on file with this Court.

The Court finds that the State of Texas by and through the City of _____ is entitled to a forfeiture of said bond. It is therefore **Ordered, Adjudged, and Decreed** by this Court that the State of Texas have and recover the sum of $_____ dollars from the Defendant for the use and benefit of said City. This judgment will be made final unless good cause can be shown why the Defendant did not appear.

It is further Ordered that a citation to the Defendant, as Principal, be issued and with a copy of this judgment nisi and a copy of the bond, be deposited in the United States Postal Service directed to the said Defendant at the address shown on the bond, or the last known address of the Defendant, as required by law.

It is further Ordered that a capias be issued for the arrest of the Defendant.

This judgment nisi declaring forfeiture is **granted and signed** on this _____ day of _____, 20____.

Failed to Appear:

Month: _____ Day: ____ Year: _____

_____
Judge, Municipal Court

City of _____

_____ County, Texas

(municipal court seal)

JUDGMENT NISI DECLARING FORFEITURE: SURETY BOND (Arts. 22.02 and 22.03, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF_____**
_____	**§**	**_____COUNTY, TEXAS**

JUDGMENT NISI

Surety (name and address): _____

Surety (name and address): _____

This day Cause Number _____ was called, and thereupon came the State of Texas by the City Attorney of _____, but the Defendant failed to appear and answer in (his)(her) behalf, and thereupon the Defendant's name was called distinctly at the door of the courthouse in accordance with the law, and after a reasonable time given the Defendant to appear, the said Defendant failed to appear in Court to answer on the charge of a misdemeanor, to wit: _____ _____ according to the tenor and effect of (his)(her) bond on file with this Court.

The Court finds that the State of Texas by and through the City of _____ is entitled to a forfeiture of said bond. It is therefore **Ordered, Adjudged, and Decreed** by this Court that the State of Texas have and recover the sum of $_____ dollars ($_____) of and from jointly and severally, the Defendant, _____, as Principal, and _____ _____, as Surety(ies).

This judgment will be made final unless good cause can be shown why the Defendant did not appear.

It is further Ordered that a citation be issued and with a copy of this judgment nisi and a copy of the bond attached be served upon said Surety(ies) commanding them to appear before this Court by filing written answer with the Clerk of the Municipal Court of the City of _____, by 10:00 a.m. on the Monday next following the expiration of 20 days after service of citation and show cause why this judgment nisi declaring forfeiture should not be final.

It is further Ordered that a citation declaring forfeiture be issued and with a copy of this judgment nisi and a copy of the bond attached, be served upon the Defendant and _____, as Sureties by depositing the citation declaring forfeiture with the United States Postal Service and mailing it directly to the Defendant and Surety(ies) at their address as shown on the bond, or at the last known address, as required by law.

It is further Ordered that a capias be issued for the arrest of the Defendant.

This judgment nisi declaring forfeiture is **granted and signed** on this _____ day of _____, 20___.

Failed to Appear:

Month: _____ Day: ____ Year: _____

_____
Judge, Municipal Court

City of _____

_____ County, Texas

(municipal court seal)

***SCIRE FACIAS* DOCKET (Art. 22.10 C.C.P.)**

CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS. DEFENDANT(S):	§	**CITY OF _____**
_____	§	**_____ COUNTY, TEXAS**
Principal **and**	§	Forfeiture of Bond Re: Cause Number _____
_____	§	Offense Charged by Complaint:
_____ Sureties	§	_____
_____	§	Citation served on _____, 20____, by _____.
Attorney for State	§	Amount of Judgment Nisi:
_____ Attorney for Defendant	§	$_____

Date of Orders	Orders and Proceedings

CITATION (Art. 22.04, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS.	§	**CITY OF_____**
_____	§	**_____COUNTY, TEXAS**

_____

_____
Defendant's Address(es)

TO ANY SHERIFF, CONSTABLE OF TEXAS, OR OTHER PERSON AUTHORIZED BY LAW: FAIL NOT AND DELIVER THIS WRIT FORTHWITH.

Attached is a copy of a judgment nisi rendered against you which was filed on _____ in the above cited Cause Number and Court. You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the Clerk who issued this citation by **10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition**, a default judgment may be taken against you. Said answer should show cause why the judgment nisi (Judgment of Forfeiture) entered by the Court in the above referenced and numbered cause should not be made final against you as the Defendant in this lawsuit.

Issued on this the _____ day of _____, 20__.

WITNESS: _____, Clerk of said Court, and seal thereof at office, _____, Texas, on the _____ day of _____, 20____.

Issued at request of
State's Attorney:_____
Address:_____
_____

_____
Clerk, Municipal Court
City of _____
Address: _____
_____

(municipal court seal)

RETURN

Received this citation the _____ day of _____, 20__, at _____ o'clock ____.m. Executed at _____, State of _____ on the _____ day of _____, 20__ by (mailing to the above named by registered mail with delivery to addressee only, a true copy of this citation together with a copy of the judgment nisi or judgment of forfeiture and a copy of the bond attached thereto. United States Post Office Return Receipt received on _____ day of _____, 20____ and attached hereto)(personally delivering to _____ a true copy of this citation together with a copy of the judgment nisi or judgment of forfeiture and a copy of the bond attached thereto).

_____
Officer
City of _____

_____
Clerk, Municipal Court
City of _____

OFFICER'S RETURN IF CITATION NOT SERVED

Diligence used to serve and cause of failure to execute:

_____
Officer
City of _____
the _____ day of _____, 20____
at _____ o'clock _____.m.

Editor's Note: Attach to this citation: (1) a copy of the judgment of forfeiture (i.e., judgment nisi) entered by the court; (2) a copy of the forfeited bond; and (3) a copy of any power of attorney attached to the forfeited bond. Art. 22.04, C.C.P.

DISMISSAL AND REINSTATEMENT OF BOND

CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS.	§	**CITY OF_____**
_____	§	**_____COUNTY, TEXAS**

STATE'S MOTION TO DISMISS

Comes now the State of Texas and moves the Court to dismiss the above entitled and numbered bond forfeiture case (upon payment)(without payment) of costs by the Defendant(s), and reinstate the original bond.

_____
(Deputy) City Attorney Date

ORDER

It is hereby **Ordered, Adjudged, and Decreed** that the above entitled and numbered bond forfeiture case be dismissed (upon payment of costs)(without payment of costs) by the Defendant(s) and that the original bond be reinstated.

It is further ordered that criminal cause number _____ be docketed for the appearance of the Defendant on the _____ day of _____, 20__.

_____
Judge, Municipal Court
City of _____

_____County, Texas

Agreed, upon condition that reinstatement filed and terms complied with by _____:

_____
(Deputy) City Attorney Date

_____
Defendant/Surety Date

(municipal court seal)

MOTION AND ORDER OF DISMISSAL WITH COSTS

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF_____**
_____	**§**	**_____COUNTY, TEXAS**

STATE'S MOTION TO DISMISS

Comes now the State of Texas and moves the Court to dismiss the above entitled and numbered cause WITH COSTS to the Defendant(s). The State would show the Court that the requested dismissal is equitable and just for the following reasons:

Reason for dismissal:_____
_____
_____
_____

_____ Date: _____
(Deputy) City Attorney

ORDER

On this date came to be considered the State's motion to dismiss the above entitled cause. The Court, after considering the motion, is of the opinion it should be granted.

It is therefore **Ordered, Adjudged, and Decreed** that the above entitled and numbered *scire facias* case be dismissed with costs.

Signed on this the _____ day of _____, 20__.

_____
Judge, Municipal Court

City of _____

_____County, Texas

(municipal court seal)

MOTION AND ORDER OF DISMISSAL WITHOUT COSTS

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF_____**
_____	**§**	**_____COUNTY, TEXAS**

STATE'S MOTION TO DISMISS

Comes now the State of Texas and moves the Court to dismiss the above entitled and numbered cause WITHOUT COSTS to the Defendant(s). The State would show the Court that the requested dismissal is equitable and just for the following reasons:

Reason for dismissal: _____
_____
_____
_____

_____ Date: _____
(Deputy) City Attorney

ORDER

On this date came to be considered the State's motion to dismiss the above entitled cause. The Court, after considering the motion, is of the opinion it should be granted.

It is therefore **Ordered, Adjudged, and Decreed** that the above entitled and numbered *scire facias* case be dismissed without costs.

Signed on this the _____ day of _____, 20__.

_____
Judge, Municipal Court

City of _____

_____County, Texas

(municipal court seal)

FINAL JUDGMENT: CASH OR PERSONAL RECOGNIZANCE BOND – FINDING FOR STATE (Arts. 22.14 and 22.15, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF_____**
_____	**§**	**_____COUNTY, TEXAS**

JUDGMENT

On this, the _____ day of _____, 20__, came on for trial the above numbered and entitled cause wherein the State of Texas is Plaintiff and _____ is Defendant; whereupon Defendant (appeared)(failed to answer or appear and wholly defaulted) after being duly notified; trial was to the Court, and it appearing to the Court after consideration of the pleading and the evidence offered and admitted herein, including the bail bond and the judgment nisi on file in this cause, that no sufficient cause is shown for the Defendant's failure to appear on _____, 20__, to answer the charge by complaint accusing (him)(her) of a misdemeanor and that the judgment nisi heretofore rendered against Defendant should be made final.

☐ It is therefore **Ordered, Adjudged, and Decreed** by the court that the State of Texas by and through the said City does have and recover from _____, Defendant, the sum of $_____ and $_____ in costs of court, for all of which let execution issue on the 11th day after the date of this judgment.

☐ It is therefore **Ordered, Adjudged, and Decreed** that a cash bond in the sum of $_____ in all things be forfeited.

Signed on this the _____ day of _____, 20__.

_____
Judge, Municipal Court

City of _____

_____County, Texas

(municipal court seal)

_____
(Deputy) City Attorney

_____
Defendant/Attorney

FINAL JUDGMENT: SURETY BOND - FINDING FOR STATE (Arts. 22.14 and 22.15, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF_____**
_____	**§**	**_____COUNTY, TEXAS**

JUDGMENT

On this, the _____ day of _____, 20__, came on for trial the above numbered and entitled cause wherein the State of Texas is Plaintiff and _____ is Defendant-Principal and _____ is Defendant-Surety; whereupon Defendant-Principal (appeared)(failed to answer or appear and wholly defaulted) and Defendant-Surety (appeared)(failed to answer or appear and wholly defaulted) after being duly notified; trial was brought to the Court, and it appearing to the Court after consideration of the pleading and the evidence offered and admitted herein, including the bail bond and the judgment nisi on file in this cause, that no sufficient cause is shown for the Defendant-Principal's failure to appear on the _____ day of _____, 20___, to answer the charge by complaint accusing (him)(her) of a misdemeanor and that the judgment nisi heretofore rendered against Defendant-Principal should be made final, and that the interlocutory judgment nisi dated the _____ day of _____, 20___ against _____ Defendant-Principal and Defendant-Surety should be made final.

It is therefore **Ordered, Adjudged, and Decreed** by the Court that the State of Texas through the said city does have and recover from _____ as Defendant-Principal and from _____ as Defendant-Surety, on the bail bond of the said Defendant-Principal, jointly and severally, the sum of $_____ each, and $_____ in costs of court, for all of which let execution issue on the 11th day after the date of this judgment.

Signed on this the _____ day of _____, 20__.

_____
Judge, Municipal Court

City of _____

_____County, Texas

_____
(Deputy) City Attorney

_____
Defendant/Surety Attorney

(municipal court seal)

AGREED FINAL JUDGMENT

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF_____**
_____	**§**	**_____COUNTY, TEXAS**

JUDGMENT

On this date set forth below came to be heard for trial the above numbered and entitled cause wherein the State of Texas is Plaintiff and _____ is Defendant-Principal and _____ is Defendant-Surety; whereupon Defendant-Principal and Defendant-Surety appeared (by counsel); and it appearing to the Court after consideration of the evidence and the pleading herein, including the bail bond and the judgment nisi on file in this cause, that no sufficient cause is shown for the Defendant-Principal's failure to appear on _____, 20__, to answer the complaint accusing them of a misdemeanor, to wit: _____, and that the judgment nisi heretofore rendered against Defendant-Principal and Defendant-Surety should be made final.

It is therefore **Ordered, Adjudged, and Decreed** by the Court that the State of Texas does have and recover from the Defendant-Principal and Defendant-Surety on the bail bond of said Defendant-Principal, jointly and severally, the sum of $_____ and (no costs of court)(with costs of court), for all of which let execution issue on the 11th day after the date of this judgment.

Signed on this the _____ day of _____, 20____.

_____
Judge, Municipal Court

City of _____

_____County, Texas

(municipal court seal)

_____
(Deputy) City Attorney

_____
Defendant/Principal Attorney

_____
Defendant/Surety Attorney



PLEAS

PLEAS

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PLEA FORM: BY MAIL OR DELIVERY TO COURT (Arts. 27.14(b) and 27.16(b), C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS.	§	**CITY OF _____**
_____	§	**_____COUNTY, TEXAS**

☐ **Plea of Not Guilty**

I, the undersigned, do hereby enter my appearance on the complaint of the offense, to wit: _____, charged in Municipal Court Cause Number _____. I **plead not guilty**.

Initial One:

_____I want a jury trial.

_____I waive my right to a jury trial and request a trial before the Court.

I promise to appear, in person, in the _____ Municipal Court on any date for which this case is scheduled before this Court. I understand that if I do not appear anytime I am required to appear for this case, a Failure to Appear charge may be filed and warrants may be issued for my arrest.

☐ **Plea of Nolo Contendere**

I, the undersigned, do hereby enter my appearance on the complaint of the offense, to wit: _____, charged in Municipal Court Cause Number _____. I understand that I have a right to a jury trial and that my signature on this **plea of nolo contendere** (meaning "no contest") will have the same force and effect as a plea of guilty on the judgment of the Court. I do hereby **plead nolo contendere** to said offense as charged, **waive** my right to a jury trial or hearing by the Court, and **agree to pay** the fine and costs the judge assesses. I understand that my plea may result in a conviction appearing on either a criminal record or a driver's license record.

☐ **Plea of Guilty**

I, the undersigned, do hereby enter my appearance on the complaint of the offense, to wit: _____, charged in Municipal Court Cause Number _____. I understand that I have a right to a jury trial. I do hereby **plead guilty** to the offense as charged, **waive** my right to a jury trial or hearing by the Court, and **agree to pay** the fine and costs the judge assesses. I understand that my plea may result in a conviction appearing on either a criminal record or a driver's license record.

☐ I, the undersigned, do hereby request the amount of fine assessed and the amount of appeal bond that the Court will approve.

_____ _____
Defendant's Signature Date Home Telephone Number

_____ _____
Address Work Telephone Number

. . . . . .

Plea accepted on this _____ day of _____, 20___.

_____
Judge, Municipal Court

(municipal court seal)

City of _____

Editor's Note: If a defendant is charged with an offense involving family violence, the judge or justice must take the defendant's plea in open court. Art. 45.0211, C.C.P.

NOTICE TO DEFENDANT FOLLOWING PLEA BY MAIL (Art. 27.14(b), C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

Pursuant to Article 27.14(b), Code of Criminal Procedure, the Court hereby on _____, 20___ notifies _____, Defendant in Cause Number _____, that the amount of fine assessed in this cause is $_____, the amount of costs assessed in this cause is $_____, and the amount of the appeal bond is $_____. You have until _____, which is 31 days from the date of this notice to either pay the fine and costs or present the Court with a proper appeal bond. You are further notified that if you are unable to pay the fine and costs or present an appeal bond to the Court before the 31st day, you must contact the Court to schedule a hearing on your ability to pay. Alternatives to the full payment of the fine or costs may be available to you, such as community service or installment payments. Payment of the fine and costs constitutes satisfaction of the judgment and waiver of the right to appeal.

Failure to pay the fine and costs, post an appeal bond, or schedule a hearing may result in your arrest. However, if you come to the court to resolve your case, you will not be arrested at the court for any charges filed in this court.

(municipal court seal)

_____
Judge, Municipal Court

City of _____

Editor's Note: If the court receives a plea of guilty or no contest by mail, the court shall notify the defendant either in person or by regular mail of the amount of any fine or costs assessed in the case, information regarding the alternatives to the full payment of any fine or costs assessed against the defendant, if the defendant is unable to pay that amount, and, if requested by the defendant, the amount of an appeal bond that the court will approve. Art. 27.14, C.C.P.

If a defendant is charged with an offense involving family violence, the judge or justice must take the defendant's plea in open court. Art. 45.0211, C.C.P.

PLEA FORM: IN PERSON

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

PLEA OF NOLO CONTENDERE

I, the undersigned, do hereby enter my appearance on the complaint of the offense, to wit:_____, charged in Municipal Court Cause Number _____. I have been informed of my right to a jury trial and that my signature on this plea of nolo contendere (meaning "no contest") will have the same force and effect as a plea of guilty on the judgment of the Court. I do hereby plead nolo contendere to said offense as charged, waive my right to a jury trial or hearing by the Court, and agree to pay the fine and costs the judge assesses. I understand that payment of the fine and costs constitutes satisfaction of the judgment and waiver of the right to appeal. I understand that my plea may result in a conviction appearing on either a criminal record or a driver's license record.

_____
Defendant's Signature Date

_____
Address

PLEA OF GUILTY

I, the undersigned, do hereby enter my appearance on the complaint of the offense, to wit: _____, charged in Municipal Court Cause Number _____. I understand that I have a right to a jury trial. I do hereby plead guilty to the offense as charged, waive my right to a jury trial or hearing by the Court, and agree to pay the fine and costs the judge assesses. I understand that payment of the fine and costs constitutes satisfaction of the judgment and waiver of the right to appeal. I understand that my plea may result in a conviction appearing on either a criminal record or a driver's license record.

_____
Defendant's Signature Date

_____
Address

PLEA OF NOT GUILTY

I, the undersigned, do hereby enter my appearance on the complaint of the offense, to wit: _____, charged in Municipal Court Cause Number _____. I plead not guilty.

Initial One:

_____ I want a jury trial.

_____ I waive my right to a jury trial and request a trial before the Court.

I promise to appear, in person, in the _____ Municipal Court on any date for which this case is scheduled before this Court. I understand that if I do not appear anytime I am required to appear for this case, a Failure to Appear charge may be filed and warrants may be issued for my arrest.

_____
Defendant's Signature Date

_____
Address

. . . . . .

Plea accepted on this _____ day of _____, 20___.

_____
Judge, Municipal Court

(municipal court seal)

City of _____

Editor's Note: A judge may not accept a plea of guilty or nolo contendere from a defendant in open court unless it appears that the defendant is mentally competent and the plea is free and voluntary. Art. 45.0241, C.C.P.

Prior to accepting a plea of guilty or a plea of nolo contendere, the court must make certain admonishments (*See TMCEC 2024 Bench Book*: Chapter 4 Appearance and Pleas). Art. 26.13, C.C.P. During or immediately after imposing a sentence in a case in which the defendant entered a plea in open court as provided by Article 27.14(a) or 27.16(a), the justice or judge shall inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs. Art. 45.041(a-1), C.C.P.



DEFERRED PROCEEDINGS

DEFERRED PROCEEDINGS

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CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

ORDER DEFERRING FURTHER PROCEEDINGS

The Court finds that _____, Defendant, [was found guilty (before the Court) (by a jury) of] [pled (guilty)(no contest) to] the offense of _____ on the ___ day of _____, 20___, and that the punishment has been set at a fine of $_____ and court costs.

Court costs in the amount of $_____ are hereby **ORDERED** to be:

- ☐ paid immediately
- ☐ paid through installments of $_____ per _____ *(time period)*
- ☐ discharged through community service of _____ hours to be performed at _____
- ☐ discharged by attending _____ hours of a tutoring program

(*If a combination thereof, check all applicable boxes.)*

Under the authority of Article 45.051, Code of Criminal Procedure, the Court defers further proceedings without entering an adjudication of guilt until the _____ day of _____, 20___.

DEFERRAL PERIOD: _____, 20___ until _____, 20___ (*not to exceed 180 days*).

CONDITIONS OF DEFERRED DISPOSITION

DEFENDANT SHALL:

- ☐ 1. Pay a fine in the amount of $_____ (*not to exceed the amount of the fine that could be imposed*). The fine shall be collected by _____ (*any date before the date on which the period of probation ends*).
- ☐ 2. Post bond in the amount of $_____ to secure payment of the fine.
- ☐ 3. Pay restitution to _____(*victim of the offense*) in the amount of $_____ (*not to exceed the fine assessed*).
- ☐ 4. Submit to professional counseling as follows:_____
- ☐ 5. Submit to diagnostic testing for alcohol, a controlled substance, or drug as follows: _____
- ☐ 6. Submit to a psychosocial assessment as follows: _____
- ☐ 7. Successfully complete an alcohol awareness or substances misuse treatment or education program as follows:_____
- ☐ 8. Pay the costs of diagnostic testing, psychosocial assessment, or a treatment or education program, as follows:_____
- ☐ 9. Complete a driving safety course approved under Ch. 1001, Education Code.
- ☐ 10. Complete the following course: _____
- ☐ 11. Perform _____ hours community service at:_____
- ☐ 12. Submit proof of financial responsibility as required by law to the Court at the termination of the deferral period; said proof showing that Defendant kept in force financial responsibility during the entire deferral period.
- ☐ 13. Other:_____
- ☐ 14. Present to the Court satisfactory evidence of complying with each requirement and reasonable condition imposed by the Judge.

Violation of any of the above noted conditions shall constitute a violation of this agreement.

If Defendant successfully complies with the conditions of this agreement, then this case shall be **DISMISSED** by the Court and shall **NOT** be reported as a conviction. Failure to comply shall cause this case to result in a **CONVICTION**, payment of the fine of $_____ owed, and the conviction will be reported as required by law.

A copy of this Order was delivered to the Defendant on this date.

Received, agreed to, and signed this the _____ day of _____, 20____.

_____
Defendant's Signature

(*municipal court seal)*

_____
Judge, Municipal Court
City of _____

_____County, Texas

Editor's Note: This order is inapplicable to defendants younger than age 25 accused of a traffic offense classified as a moving violation. See Deferred Disposition Order: Defendant Under 25 – Moving Violation on the next page.

CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS.	§	**CITY OF _____**
_____	§	**_____COUNTY, TEXAS**

ORDER DEFERRING FURTHER PROCEEDINGS

THE COURT FINDS THAT:

1. _____, a Defendant younger than 25 years of age, [was found guilty (before the Court)(by a jury) of] [pled (guilty)(no contest) to] the offense of _____, a traffic offense classified as a moving violation on the ___ day of _____, 20__.
2. The punishment has been set at a fine of $_____ and court costs.
3. Court costs in the amount of $_____ are hereby ordered to be:
   - ☐ paid immediately
   - ☐ paid through installments of $_____ per _____ *(time period)*
   - ☐ discharged through community service of _____ hours to be performed at _____
   - ☐ discharged by attending _____ hours of a tutoring program *(if Defendant is under 17 years of age and the offense occurred in a building or on the grounds of the Defendant's school)*
   - ☐ or a combination thereof.

Under the authority of Article 45.051, Code of Criminal Procedure, the Court defers further proceedings without entering an adjudication of guilt until the _____ day of _____, 20___.

DEFERRAL PERIOD: _____, 20___ until _____, 20___ (*not to exceed 180 days*).

STATE-MANDATED CONDITIONS:

Pursuant to Article 45.051(b-1)(2), Code of Criminal Procedure, the Defendant is ordered to complete a driving safety course approved under Ch. 1001, Education Code.

Check only if applicable: ☐ Pursuant to Art. 45.051(b-1)(3), C.C.P., the Defendant, who holds a provisional driver's license, is ordered to submit to a driver's license examination as required by Section 521.161(b)(2), Transportation Code, regardless of whether the defendant was previously examined, and pay a $10 reimbursement fee to the Department of Public Safety.

ADDITIONALLY, THE COURT ORDERS THAT THE DEFENDANT SHALL:

☐ 1. Pay a fine in the amount of $_____ (*not to exceed the amount of the fine that could be imposed*). The fine shall be collected by _____ (*any date before the date on which the period of probation ends*).
☐ 2. Post bond in the amount of $_____ to secure payment of the fine.
☐ 3. Pay restitution to _____(*victim of the offense*) in the amount of $_____ (*not to exceed the fine assessed*).
☐ 4. Submit to professional counseling as follows:_____
_____
☐ 5. Submit to diagnostic testing for alcohol, a controlled substance, or drug as follows:_____
_____
☐ 6. Submit to a psychosocial assessment as follows: _____
☐ 7. Successfully complete an alcohol awareness or substance misuse treatment or education program, such as a substance misuse education program that is designed to educate persons on the dangers of substances misuse in accordance with Section 521.374(a)(1), Transportation Code, and that is regulated by the Texas Department of Licensing and Regulation (TDLR); or an alcohol awareness program described by Section 106.115, Alcoholic Beverage Code that is regulated by TDLR, as follows:
_____
☐ 8. Pay the costs of diagnostic testing, psychosocial assessment, or a treatment or education program, as follows:_____
☐ 9. Perform _____ hours community service at:_____
☐ 10. Submit proof of financial responsibility as required by law to the Court at the termination of the deferral period; said proof showing that Defendant kept in force financial responsibility during the entire deferral period.
☐ 11. Other:_____
☐ 12. Present to the Court satisfactory evidence of complying with each requirement and reasonable condition imposed by the Judge.

Violation of any of the above noted conditions shall constitute a violation of this agreement.

If Defendant successfully complies with the conditions of this agreement, then this case shall be **DISMISSED** by the Court and shall **NOT** be reported as a conviction. Failure to comply shall cause this case to result in a **CONVICTION**, payment of the fine of $_____ owed, and the conviction will be reported as required by law.

A copy of this Order was delivered to the Defendant on this date.

Received, agreed to, and signed this the _____ day of _____, 20____.

_____
Defendant's Signature

(*municipal court seal)*

_____
Judge, Municipal Court
City of_____

_____County, Texas

DEFERRED DISPOSITION: NOTICE TO DEFENDANT TO SHOW CAUSE (Art. 45.051, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

ORDER TO SHOW CAUSE

Name: _____ Offense: _____

Address: _____

You are hereby ordered to appear before the _____ Municipal Court at _____ o'clock ___.m., on the _____ day of _____, 20___, to show cause why you failed to comply with the Court's order in this case by _____, 20 ___.

Failure to appear on this date and time will result in a conviction and a judgment of $_____ being entered against you based on the punishment set when you were granted deferred disposition.

(municipal court seal)

_____
Judge, Municipal Court
City of _____

_____ County, Texas

Date: _____

DEFERRED DISPOSITION: EXTENSION OF DEFERRAL PERIOD (Art. 45.051(c-2), C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

ORDER GRANTING EXTENSION OF DEFERRAL PERIOD

The Court finds that **_____,** Defendant, was granted a deferral of final disposition under Article 45.051, Code of Criminal Procedure for the offense of _____, said deferral period beginning on the _____ day of _____, 20____ and ending on the _____ day of _____, 20____.

On this, the _____ day of _____, 20____, the Defendant appeared before me, the undersigned judge, and showed good cause for (his)(her) failure to present satisfactory evidence of compliance with the orders imposed in the Order Deferring Further Proceedings entered in this cause. Pursuant to Section 45.051(c-2), Code of Criminal Procedure, it is hereby **Ordered** that the Defendant be granted an additional period during which the Defendant may present to this Court evidence of the Defendant's compliance with the Order Deferring Further Proceedings. This additional period will expire on the _____ day of _____, 20____, at which time, if the Defendant has failed to comply with the orders, conviction will be entered against the Defendant.

_____
Judge, Municipal Court Date

(municipal court seal)

City of _____

_____ County, Texas

Editor's Note: Article 45.051(c-2) of the Code of Criminal Procedure does not provide a maximum amount of time for which the judge may grant an extension for a deferred disposition.

JUDGMENT: FINAL DISPOSITION OF DEFERRED DISPOSITION (Art. 45.051, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

JUDGMENT

On this the ____ day of _____, 20___, in the above numbered and entitled cause:

☐ It is **Ordered** that the cause is dismissed, and there be no final conviction, on the grounds that the Defendant presented evidence of successful completion of the terms of the deferred disposition.

☐ It is **Ordered** that the cash bond to secure payment of the fine posted by Defendant in the amount of $_____ shall be refunded.

☐ It is **Ordered** that, as the Defendant has failed to comply with the terms of the deferred disposition, final conviction is entered and the Defendant is **Ordered** to pay the fine assessed in the amount of $_____ and all unpaid court costs in the amount of $_____
☐ immediately.
☐ by_____ *[enter later date]*.
☐ at designated intervals (see attached Installment Agreement Order incorporated as part of this judgment).
☐ It is **Ordered** that the cash bond posted by the Defendant is forfeited to pay the fine assessed.
☐ It is **Ordered** that any fine paid during the deferral period by the Defendant be credited toward the payment of the fine amount hereby imposed.

_____
Judge, Municipal Court Date

(municipal court seal)

City of _____

_____ County, Texas

Editor's Note: The judge may impose a lesser fine than the fine assessed in the Order granting deferred unless the defendant is under the age of 25 and was charged with a moving violation offense. In that case, the amount of the fine may not be less than the fine assessed when the defendant was granted the deferred disposition. Art. 45.051(d)-(d-1), C.C.P.

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.

Article 45.0511(q),
Code of Criminal Procedure

REQUEST FOR A DRIVING SAFETY COURSE (Art. 45.0511(b), C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

DEFENDANT'S REQUEST FOR A DRIVING SAFETY COURSE

I hereby enter my appearance on the complaint of the offense of: _____ (in person)(by counsel)(by certified mail). I understand that I have a right to a jury trial. I hereby waive my right to a jury trial, plead (guilty)(no contest), and elect under Article 45.0511, Code of Criminal Procedure, to take a driving safety course.

I understand that I must present the Court the following with this request:

1. A valid Texas driver's license or permit, or proof that I am a member, or the spouse or dependent child of a member, of the United States military forces serving on active duty;
2. Proof of financial responsibility pursuant to Chapter 601, Transportation Code (automobile liability insurance);
3. Payment of court costs; and
4. Payment of a $_____ nonrefundable reimbursement fee *(not to exceed $10)*.

I understand that I must:

1. Complete a driving safety course or motorcycle operator training course as applicable within 90 days of this request;
2. Submit by the 90th day from this request a uniform certificate of course completion of a driving safety course or a verification of course completion of a motorcycle operator training course as evidence that I have completed such a course;
3. Submit by the 90th day from this request an affidavit that I was not taking such a course nor had I completed one within the preceding 12 months from the date of my current offense that is not shown on my driving record as maintained by the Texas Department of Public Safety; or if I am on active military duty, or am the spouse or dependant child of a member of the United States military forces serving on active duty, that I have not taken a course in another state in the preceding 12 months nor am taking such a course at the time of this request; and
4. Submit by the 90th day from this request a certified copy of my driving record as maintained by the Texas Department of Public Safety.

I understand that:

1. If I comply with the court order granting the taking of a driving safety/motorcycle operator training course and submit all the required evidence as ordered, the Court will dismiss my case and report to the Texas Department of Public Safety the date that I completed my course for inclusion on my driving record;
2. If I fail to submit all the evidence required by the Court, I will be notified of a show cause hearing and be required to appear before the Court to show cause why I did not present the required evidence of course completion;
3. The judge may at the show cause hearing enter a final adjudication against me and require me to pay the fine; and
4. The failure to appear at the show cause hearing will result in a final adjudication being entered against me, and that I will be required to pay the fine and any additional costs required by law.

I ATTEST THAT I HAVE READ THIS DOCUMENT.

_____ _____

Defendant's Signature Date Defendant's Attorney (if applicable) Date

AFFIDAVIT FOR A DRIVING SAFETY COURSE (Art. 45.0511(c)(3), C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

AFFIDAVIT

I, _____, state under oath that on the date of my request for a driving safety course/motorcycle operator training course in the above numbered cause that I was not taking such a course nor had I completed one within the 12 months preceding the date of my current offense that is not shown on my driving record as maintained by the Texas Department of Public Safety (or as maintained by the state that issued my driver's license - active military duty personnel only).

_____
Defendant's Signature

Sworn and subscribed before me, the undersigned authority on this the ____ day of _____, 20___.

(municipal court seal)

_____
(Judge)(Court Clerk)(Deputy Court Clerk)
(Notary Public in and for the State of Texas)

Editor's Note: Required to be filed within 90 days of the request for a driving safety course/motorcycle operator training course.

JUDGMENT: DRIVING SAFETY COURSE GRANTED (Art. 45.0511, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

INTERIM JUDGMENT

On this the ____day of _____, 20___, the Defendant in the above numbered and entitled cause appeared (by attorney) (in person) (by mail), entered a plea of (guilty) (no contest), and waived a jury trial or any trial; and the Court finds the Defendant guilty of the offense of _____. The Defendant, having been found guilty, is assessed a fine of $_____ plus any and all costs required to be paid.

The Defendant elected to take a driving safety course, and the Court finds that the Defendant meets the requirements for taking a driving safety course. The imposition of this judgment is hereby deferred for a period of 90 days and the Defendant is hereby granted the right to take a (driving safety course) (motorcycle operator training course). The Defendant is ordered to pay immediately all court costs and fees required by statute or ordinance in the amount of $_____.

The Defendant is required to complete the course and present evidence (a uniform certificate of completion of the driving safety course) (a verification of completion of the motorcycle operator training course) to this Court by _____, 20___. Furthermore, when presenting evidence of course completion, the Defendant is ordered to present a certified copy of the Defendant's driving record as maintained by the Texas Department of Public Safety (or if the Defendant is on active military duty or is the spouse or dependent child of a member of the United States military forces on active military duty, an affidavit under Art. 45.0511(c)(4), C.C.P.), showing that the Defendant has not completed an approved driving safety course or motorcycle operator training course, as applicable, within the 12 months preceding the date of the offense, and an affidavit stating that the Defendant was not taking a driving safety course or motorcycle operator training course, as applicable, under Article 45.0511, Code of Criminal Procedure, on the date of the request to take this course and has not completed such a course that is not shown on the Defendant's driving record within the 12 months preceding the date of the offense.

_____
Judge, Municipal Court Date

(municipal court seal)

City of _____

_____ County, Texas

DRIVING SAFETY COURSE: NOTICE TO DEFENDANT TO SHOW CAUSE (Art. 45.0511, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

ORDER TO SHOW CAUSE

Name: _____ Offense: _____

Address: _____

You are hereby ordered to appear before the _____ Municipal Court at _____ o'clock ___.m., on the _____ day of _____, 20___, to show cause why you failed to comply with the Court's order in this case by _____, 20___.

Failure to appear on this date and time will result in a judgment of $_____ being entered against you based on the punishment set when you were granted your request for a driving safety course.

(municipal court seal)

_____
Judge, Municipal Court

City of _____

_____County, Texas

Date: _____

DRIVING SAFETY COURSE: EXTENSION OF TIME TO PRESENT EVIDENCE OF COMPLETION (Art. 45.0511(k), C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

ORDER GRANTING EXTENSION OF TIME

The Court finds that **_____,** Defendant, was granted a deferral of imposition of judgment under Article 45.0511, Code of Criminal Procedure, for the offense of _____, to allow to Defendant to complete a driving safety course or motorcycle operator training course. The Defendant was ordered to complete the course and present evidence of successful completion to this Court by the _____ day of _____, 20____.

On this, the _____ day of _____, 20____, the Defendant appeared before me, the undersigned judge, and showed good cause for (his)(her) failure to furnish this evidence to the Court. Pursuant to Section 45.0511(k), Code of Criminal Procedure, it is hereby **Ordered** that the Defendant be granted an extension of time during which the Defendant may present to this Court a (uniform certificate of course completion as evidence that the Defendant successfully completed the driving safety course) (verification of course completion as evidence that the Defendant successfully completed the motorcycle operator training course). Defendant must present this evidence by the _____ day of _____, 20____, at which time, if the Defendant has failed to present such evidence, conviction will be entered against the Defendant.

_____
Judge, Municipal Court Date

(municipal court seal)

City of _____

_____ County, Texas

JUDGMENT: FINAL DISPOSITION OF DRIVING SAFETY COURSE (Art. 45.0511, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

FINAL JUDGMENT

On this the ____ day of _____, 20___, on the above numbered and entitled cause:

☐ The judgment is **Ordered** removed and the case dismissed on the grounds that the Defendant presented evidence of successful completion of a (driving safety course) (motorcycle operator training course) and a certified copy of the Defendant's driving record, if applicable, from the Texas Department of Public Safety, and the required affidavit under Article 45.0511(c)(3) or 45.0511(c)(4), Code of Criminal Procedure.

☐ The Defendant, having not complied with the Court's order set forth above, having been given notice of a show cause hearing, and having failed to show good cause why he/she failed to comply with the Court's order, is **Ordered** to pay the fine assessed in the amount of $_____
☐ immediately.
☐ by _____.
☐ at designated intervals (see attached Installment Agreement Order incorporated as part of this judgment).

_____
Judge, Municipal Court Date

(municipal court seal)

City of _____

_____ County, Texas

TEEN COURT REQUEST/AGREEMENT (Art. 45.052, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

I hereby acknowledge that in order to attend the Teen Court program in lieu of a conviction being entered on my criminal record or driving record, I must satisfy the following conditions:

1. I am under the age of 18 or enrolled full-time in an accredited secondary school in a program leading toward a high school diploma.
2. I have not successfully completed a Teen Court program in the year preceding the date that the alleged offense occurred.
3. I understand that I have _____ (a period not to exceed 180 days) calendar days from today's date to complete the program. No extensions can or will be granted.
4. I am responsible for returning to this Court a copy of the **certificate of completion** showing that I have completed the Teen Court program within 90 days from the date of my Teen Court hearing or prior to the end of the deferral period, whichever is earlier.
5. I understand that non-compliance with any portion of this request may result in the Court's issuing a warrant for my arrest and will result in the fine becoming due.
6. I understand that the Teen Court may charge non-refundable reimbursement fees, not to exceed $20 ($40 in cities in the Texas-Louisiana border region), for the course in addition to any other costs owed.

_____
Name

_____
Address

_____
Date of Birth Age

_____
Home Telephone

_____
Today's Date

_____
Offense

_____
Date of Offense

_____
School Attending

_____
Parent's or Legal Guardian's Work Telephone

_____
Completion Date

Signed this the _____ day of _____, 20___.

_____
Defendant's Signature

_____
Parent's or Legal Guardian's Signature

_____
Judge, Municipal Court

City of _____

_____ County, Texas

(municipal court seal)

You are responsible for ensuring that the Court receives your Teen Court certificate of completion. If you have any questions about these requirements, contact the Court at (_____) _____.

TEEN COURT ORDER (Art. 45.052, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS.	§	**CITY OF _____**
_____	§	**_____COUNTY, TEXAS**

ORDER DEFERRING FURTHER PROCEEDINGS

The Court finds that the Defendant, _____, has pled (guilty) (no contest) to the offense of _____ and orders that punishment be set at a fine of $_____.

However, the Court orders that the finding of guilty and the imposition of the fine be deferred for *(insert a period not to exceed 180 days)* _____ days, on condition that during the term of the suspension the Defendant will:

- ☐ complete the Teen Court program within 90 days after the date of the Teen Court hearing to determine punishment or by _____ (*enter the last day of the deferral period*), whichever date is earlier;
- ☐ contact the Teen Court Coordinator at _____ within _____ days to make an appointment;
- ☐ pay court costs of $_____ (☐ Check here if court costs are waived);
- ☐ return to the Court by _____, 20___, with proof that the Teen Court program was completed;
- ☐ pay to the Court a non-refundable reimbursement fee set by the Court at the amount of $_____ (this fee may not exceed $10; $20 for cities in the Texas-Louisiana border region) (☐ Check here if this fee is waived);
- ☐ pay to the Court a non-refundable $10 Teen Court reimbursement fee ($20 in the Texas-Louisiana border region) (☐ Check here if this fee is waived).

The Court further Orders that if the Defendant, at the conclusion of 180 days from this date, presents satisfactory evidence that (he)(she) has complied with the conditions herein imposed, the charge will be dismissed and not be part of the Defendant's criminal record or driving record. However, if the charge is a traffic offense, the Court shall report to the Department of Public Safety the date the Defendant successfully completed the Teen Court program for inclusion in the Defendant's driving record.

Signed this the _____ day of _____, 20___.

_____.
Judge, Municipal Court

(municipal court seal)

City of_____

_____ County, Texas

I have read and understand the terms of this order.

_____
Defendant's Signature

_____
Parent's or Legal Guardian's Signature

_____
Address

_____
Offense Date of Offense

Birthdate: _____

School Attending: _____

Today's Date: _____

Completion Date: _____

. . . . . .

It is hereby ORDERED that, the Defendant having presented satisfactory evidence of successful completion of the teen court program, this cause be DISMISSED.

_____
Judge, Municipal Court

Date: _____

TEEN COURT JURY INSTRUCTIONS (Page 1 of 2)

CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS.	§	**CITY OF _____**
_____	§	**_____COUNTY, TEXAS**

Name of Accompanying Adult: _____

Offense Class(es): _____ Range of Hours: _____
_____
_____

____ Fifth Amendment
____ Objection to the jury
____ Admission of guilt
____ Oath
____ Jury oath
____ Acceptance of sentence
____ Ability to fulfill conditions of sentence

The above admonishments, oaths, and procedures were given to the above named Defendant.

_____ _____
Presiding Judge Date

JURY INSTRUCTIONS

You, the jury, are advised to retire to the Jury Room and proceed in determining the recommendation that you will make to the Court regarding the offense(s). You are instructed that your recommendation in deciding the number of community service hours for each offense listed and whether the hours are to be served consecutively or concurrently **must be unanimous**. Answer the questions on the back of this sheet to be certain full consideration is given. Return this to the bailiff when a verdict has been reached and return quietly to the jury seating section.

Recommended hours: Defense _____ Prosecution _____

JURY RECOMMENDATION

We, the Teen Jury, recommend that the Defendant receive the following constructive sentence:

_____
_____

For multiple offenses list the hours for each offense and state whether they are to be served consecutively (added together end to end) or concurrently (worked off at the same time).

This decision is unanimous; all questions on the back of this statement were read and considered in the deliberations.

Required jury terms: _____ _____
Signature, Presiding Juror

(Other jurors sign on back of sheet)

Editor's Note: This form is an example of Teen Court Jury Instruction. Individual Teen Courts differ and will need to adapt based on individual processes. Additionally, for the Jury Instruction used in an actual trial, see TMCEC *Jury Charge Bank* located at tmcec.com/resources/jury-charges/.

TEEN COURT JURY INSTRUCTIONS (Page 2 of 2)

These questions are to appear on the back side of the previous page.

1. Age of Defendant: _____ years *(on citation)*.

2. Is it likely that Defendant can get to jury duty and the community service agency independently or that he/she must depend on others for transportation?_____

   _____.

3. Pertinent facts brought out in the hearing that were considered in reaching the verdict: _____

   _____.

4. Did the jury believe the witness' testimony? YES NO

   If not, why not? _____

5. Does the "punishment" fit the violation committed? YES NO

   In the jurors' judgment, will the number of hours be adequate to make a lasting impression on the Defendant, but not be so many as to be overwhelming and cause him/her to drop out (especially if there are multiple offenses involved)? YES NO

Additional comments to the Judge (optional):

_____

_____

_____

_____

Jurors (signatures):

_____

_____

_____

_____

_____

_____

COMMUNITY SERVICE REFERRAL FORM

To: _____ Telephone: _____
Name of Contact

_____
Name of Agency

This is to introduce _____, who is to complete _____ hours of community service by _____, 20___, with your agency. When this teen has completed the required hours, please return this sheet, signed at the bottom, to him/her, so it may be returned to: (*Court or Teen Court Coordinator's address)*_____.

In the event the community service is not completed by the date shown above, please mail this copy to the Teen Court Coordinator at the above address.

The Emergency Release Form should remain with your agency while the youth is performing his/her community service.

This teenager (and the parent/guardian, if this is a juvenile) has signed this document to acknowledge permission for you to release information regarding this youth to: (*name of Court)*_____.

Thank you for your participation; if you have any questions or problems, please contact:

_____ at _____.
Appropriate Court Official Telephone Number

_____ _____
Date Teen Court Coordinator/Judge

_____ _____
Date Youth

_____ _____
Date Parent/Guardian (only if youth is under 17 years)

To: _____ Municipal Court

_____ has completed _____ hours of community service with this agency.
Name of Youth

_____ _____ _____
Agency Name Signature of Supervisor Date

CHEMICALLY DEPENDENT PERSON ORDER (Art. 45.053, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

ORDER DEFERRING FURTHER PROCEEDINGS

☐ The Defendant pled not guilty to the charge and requested a trial by jury. The jury having been impaneled and sworn, and having heard the evidence, found the Defendant guilty, and the jury assessed a fine of $_____; or

☐ The Defendant pled not guilty to the charge and waived a trial by jury. After hearing the evidence, the Court found the Defendant guilty and assessed a fine of $_____; or

☐ The Defendant pled guilty/no contest to the charge and waived a trial by jury. The Court found the Defendant guilty and assessed a fine of $_____.

The Court finds that the offense resulted from or was related to the chemical dependency of the Defendant, and that an application for court-ordered treatment of the Defendant is being made in accordance with Chapter 462 of the Texas Health and Safety Code.

It is Ordered that further disposition is deferred, without entering an adjudication of guilt, for a period of 90 days from the date of this Order, subject to the following terms, and on condition that the Defendant:

File an application for court-ordered treatment in accordance with Chapter 462, Health and Safety Code, at the cost of the Defendant; and appear in this Court on _____, 20___, at _____ o'clock ___.m. to present satisfactory evidence that the Defendant has been committed for and completed the treatment in accordance with Chapter 462, Health and Safety Code, at which time this Court will dismiss this proceeding or, on failure of the Defendant to comply, will impose the fine assessed and enter a final conviction.

Signed on _____, 20___.

(municipal court seal)

_____
Judge, Municipal Court
City of _____
_____ County, Texas

RECEIPT OF ORDER BY DEFENDANT

I, the Defendant, acknowledge receipt of this Order and understand my obligations. I hereby agree to appear as required by this Order. I further understand that if I fail to appear and attend or complete the treatment as agreed, a warrant ordering my arrest may be issued by the Court.

_____ _____
Defendant's Signature Date Employment

_____ _____
Address and Telephone Work Address and Telephone

_____ _____

In case of emergency, notify:

Name: _____ Telephone:_____

Address: _____

. . . . . .

It is hereby ORDERED that, the Defendant having presented satisfactory evidence that the Defendant was committed for and completed the court-ordered treatment in accordance with Chapter 462, Health and Safety Code, this cause be DISMISSED and there shall be no final conviction.

_____
Judge, Municipal Court

Date: _____



TRIAL SETTINGS

TRIAL SETTINGS

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NON-JURY TRIAL (BENCH TRIAL) SETTING FORM (Defendant Appears by Mail Pursuant to Art. 27.16(b), C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

YOU HAVE REQUESTED A TRIAL BEFORE THE JUDGE.

NOTICE IS HEREBY GIVEN of the non-jury trial court date of the above numbered and styled cause. The date of trial is set on the _____ day of _____, 20___, at _____ o'clock __.m.*

Failure to appear for this court date or any date that this case is scheduled before this Court may result in a warrant being issued for your arrest.

This notice mailed on _____, 20___.

_____
(Judge), (City) Municipal Court Date

***Notice:** To request a continuance to reset the above court date, a written Motion for Continuance stating the reason (good cause) for the continuance must be filed with this Court _____ hours prior to the time and date of above court date. **Failure to comply with this notice requirement may result in your motion for continuance being denied.**

(*municipal court seal)*

NON-JURY TRIAL (BENCH TRIAL) SETTING FORM (Defendant Appears in Person Pursuant to Art. 27.16(a), C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

NOTICE IS HEREBY GIVEN of the non-jury trial court date of the above numbered and styled cause. The date of trial is set on the _____ day of _____, 20___, at _____ o'clock __.m.*

I PROMISE TO APPEAR, in person, in the _____ Municipal Court on or before the aforementioned date and on any date for which this case is scheduled before this Court. I understand that if I do not appear anytime that I am required to appear for this case, a warrant may be issued for my arrest. I waive my right to a jury trial and choose to have my trial before a judge.

_____ _____

Defendant's Signature Date (Court Clerk) (Deputy Clerk) Date

_____

Defendant's Address Telephone Number

***Notice:** To request a continuance to reset the above court date, a written Motion for Continuance stating the reason (good cause) for the continuance must be filed with this Court _____ hours prior to the time and date of above court date. **Failure to comply with this notice requirement may result in your motion for continuance being denied.**

(*municipal court seal)*

JURY TRIAL SETTING FORM (Defendant Appears by Mail Pursuant to Art. 27.16(b), C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

YOU HAVE EXERCISED YOUR RIGHT TO A JURY TRIAL.

NOTICE IS HEREBY GIVEN of the jury trial court date of the above numbered and styled cause. The date of trial is set on the _____ day of _____, 20___, at _____ o'clock ___.m.* **Failure to appear for this court date or on any date for which this case is scheduled before this Court may result in a warrant being issued for your arrest. Furthermore, you may be assessed the costs of summoning the jurors if you fail to appear.**

This notice mailed on _____, 20___.

_____
(Judge), (City) Municipal Court Date

***Notice:** To request a continuance to reset the above court date, a written Motion for Continuance stating the reason (good cause) for the continuance must be filed with this Court _____ hours prior to the time and date of above court date. **Failure to comply with this notice requirement may result in your motion for continuance being denied.**

(municipal court seal)

JURY TRIAL SETTING FORM (Defendant Appears in Person Pursuant to Art. 27.16(a), C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

NOTICE IS HEREBY GIVEN of the jury trial court date of the above numbered and styled cause. The date of trial is set on the _____ day of _____, 20___, at _____ o'clock __.m.*

I PROMISE TO APPEAR, in person, in the _____ Municipal Court on or before the aforementioned date and on any date for which this case is scheduled before this Court. I understand that if I do not appear anytime I am required to appear for this case, a warrant may be issued for my arrest. Furthermore, I understand that if I fail to appear, I may be assessed the costs of summoning the jurors.

_____ _____

Defendant's Signature Date (Court Clerk)(Deputy Clerk) Date

_____

Address Telephone Number

***Notice:** To request a continuance to reset the above court date, a written Motion for Continuance stating the reason (good cause) for the continuance must be filed with this Court _____ hours prior to the time and date of above court date. **Failure to comply with this notice requirement may result in your motion for continuance being denied.**

(*municipal court seal)*

ELECTION FOR JURY TO ASSESS PUNISHMENT (Art. 37.07, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

GREETINGS:

According to Court records, you have entered a plea of **not guilty** and have requested a **trial by jury** in the above entitled and numbered cause.

While the Texas Constitution ensures you the right to a trial by jury, you do not have a constitutional right to jury sentencing. Rather, the right to jury sentencing is purely statutory in origin. To invoke this statutory right, you must make a timely election of jury sentencing.

If you do not make a timely election for the jury to assess punishment, and are found guilty by the jury, the Court will assess the punishment.

For your election to be timely, you are hereby **ordered** by the Court to make your election in writing:

- ☐ At a pre-trial hearing (if one is ordered by the Court); or
- ☐ Prior to beginning the voir dire examination of the jury panel.

You may make your election by providing the Court with a copy of the attached motion.

MOTION FOR THE JURY TO ASSESS PUNISHMENT

To the Honorable Judge of said Court:

Now comes the Defendant, in the above entitled and numbered cause, and in accordance with Article 37.07, Code of Criminal Procedure, and before the commencement of the voir dire examination of the jury panel, elects in writing that the punishment, if any, in this cause be assessed by the jury.

Respectfully submitted,

_____
Defendant

_____
Attorney for Defendant

ORDER

On this _____ day of _____, 20___, came on to be heard the foregoing motion, and the same having been timely filed is granted.

_____
Judge Presiding

(*municipal court seal)*

PRE-TRIAL SETTING (Art. 28.01, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

NOTICE IS HEREBY GIVEN that the above numbered and styled cause is scheduled for a pretrial hearing in the _____ Municipal Court at _____*(address)* the _____ day of _____, 20___, at _____ o'clock __.m.*

FAILURE TO APPEAR at the hearing or on any date for which this case is scheduled before this Court may result in a warrant being issued for your arrest. You may also be required to pay the costs of impaneling the jury.

_____
(Court Clerk)(Deputy Clerk)

Date: _____

***Notice**: To request a continuance to reset the above court date, a written Motion for Continuance stating the reason (good cause) for the continuance must be filed with this Court _____ hours prior to the time and date of the above court date. **Failure to comply with this notice requirement may result in your motion for continuance being denied.**

(*municipal court seal)*

TRIAL DATE RESET NOTICE

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

Your continuance has been granted. NOTICE IS HEREBY GIVEN that the trial date setting of the above numbered and styled cause is rescheduled for the _____ day of _____, 20___, at _____ o'clock __.m.

Failure to appear for this court date or any date for which this case is scheduled before this Court may result in a warrant being issued for your arrest.

_____
(Court Clerk)(Deputy Court Clerk) Date

This continuance was requested by: ☐ Defendant ☐ State

(*municipal court seal)*

ORDER TO SUMMON VENIRE (Art. 45.027, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

TO _____– GREETINGS:
(person ordered to summon jurors)

You are hereby **Ordered** to summon _____ (*number)* persons who are qualified jurors in the city, to appear before this Court on the ___ day of _____ , 20___ at _____ o'clock ____.m., then and there to serve as jurors in the trial of such cause or causes as are then set for jury trial.

Signed and entered this _____ day of _____, 20___.

(municipal court seal) _____
Judge Presiding

RETURN OF JURY VENIRE

Came into hand on _____, 20___, at _____ o'clock ____.m. The following persons are summoned by mailing notice on _____:

	Name	Date and Time Summoned
1.	_____	
2.	_____	
3.	_____	
4.	_____	
5.	_____	
6.	_____	
7.	_____	
8.	_____	
9.	_____	
10.	_____	
11.	_____	
12.	_____	

*Add additional pages as needed for more jurors.

_____
Signature of Person Summoning Jury

JURY SERVICE COVER LETTER

To the City of _____ Jurors:

You have been selected for **jury service** in the Municipal Court of the City of _____. Jury service is an obligation of citizenship that is essential to the judicial process. It is an opportunity for you to make a meaningful contribution to ensure that justice is provided in our community.

The Judge of the Municipal Court recognizes that jury service entails an imposition on the citizens called for jury service. In order to minimize the burden caused by your jury service, report promptly at the date and time indicated on the enclosed **JUROR INFORMATION** form. The _____ Municipal Court building is located at _____.

Parking information: _____
_____.

JUROR INFORMATION FORM: This information is needed for the jury selection process. Please complete this enclosed form and bring it with you when you report for jury service. Generally, your jury service will be for no longer than one day.

We hope that you will find the opportunity to serve to be a pleasant and rewarding experience. Your service as a juror is appreciated.

Municipal Court, City of _____

NOTICES

1. Failure to appear for jury service may result in a $100 fine for contempt (Article 45.027 of the Code of Criminal Procedure).

2. If you fail to attend court in obedience to the notice without reasonable excuse or file a false claim of exemption, you can be fined not less than $100 or more than $500 (Section 62.111 of the Government Code).

3. If you do not comply with the summons or knowingly provide false information in a request for an exemption to be excused from jury service, you are subject to a contempt action punishable by a fine of not less than $100 or more than $1,000 (Section 62.0141 of the Government Code).

4. If you claim to be disqualified based on a lack of citizenship, you will no longer be eligible to vote if you fail to provide proof of citizenship. If you claim a disqualification or exemption based on lack of residence in this county, you may no longer be eligible to vote in this county (Sections 62.113 and 62.114 of the Government Code).

Editor's Note: Under Section 122.001 of the Texas Civil Practice & Remedies Code, an employer may not discharge, threaten to discharge, intimidate, or coerce any permanent employee because the employee serves as a juror, or for the employee's attendance or scheduled attendance in connection with the service, in any court in the United States. Violation of this section is a Class B misdemeanor.

JUROR INFORMATION SHEET

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

Name: _____

Address: _____

E-mail Address: _____

City: _____ State: _____ Zip: _____

Home Telephone Number: _____ Length of time at current address: _____

Date of Birth: _____ Place of Birth: _____

Driver's License Number: _____

Place of Employment: _____

Type of Work: _____ Length of time at current job: _____

Employer's Address: _____

Business Telephone Number: _____

Military Service ☐ Yes ☐ No Are you on active duty deployed outside of your county of residence? ☐ Yes ☐ No

College Graduate ☐ Yes ☐ No Attended College ☐ Yes ☐ No Post Graduate Degree ☐ Yes ☐ No

High School Graduate ☐ Yes ☐ No Professional Degree ☐ Yes ☐ No

☐ Married ☐ Single ☐ Widowed ☐ Divorced Number of Children _____ Ages: _____

Name of Spouse or Nearest Living Relative: _____ Relationship: _____

Address: _____

Spouse's Employer: _____ Type of Work: _____

Spouse's Employer's Address: _____

Do you have any relatives or friends who are peace officers? ☐ No ☐ Yes

Have you ever been called for jury service? ☐ No ☐ Yes Date(s) _____ Where? _____

Did you actually serve as a juror? ☐ Yes ☐ No Court where jury service performed _____

☐ Criminal Case? When? _____ Verdict reached ☐ Yes ☐ No

☐ Civil Case? When? _____ Verdict reached ☐ Yes ☐ No

Been party to a lawsuit? ☐ Yes ☐ No As a plaintiff? ☐ Yes ☐ No As a defendant? ☐ Yes ☐ No

Served on a Grand Jury? ☐ Yes ☐ No Where? _____ When? _____

Has any accidental bodily injury ever been suffered by you? ☐ Yes ☐ No By a member of your family? ☐ Yes ☐ No

Have you ever been interested in the outcome of a criminal case as a defendant, victim, or witness? ☐ Yes ☐ No

Where and What? _____

Date: _____ _____

Juror's Signature

OFFICE OF COURT ADMINISTRATION

Instructions Concerning the Official Model Jury Summons and Questionnaire

---

The Office of Court Administration (OCA) is required by Government Code §62.0131 and §62.0132 to develop and maintain a model for a uniform written jury summons and questionnaire. Use these instructions and forms when the court orders prospective jurors notified by written summons.

A written jury summons must conform to OCA's model jury summons and include a copy of the questionnaire developed by OCA or the electronic address of the court's Internet website from which the questionnaire developed by OCA may be easily printed or completed online. (See Gov't Code §§62.0131(c), 62.0132(b), 62.0132(d))

Upon the court's direction, the clerk, sheriff, or constable can notify prospective jurors by written summons sent by registered mail, certified mail, return receipt requested, or first-class mail. Qualifying counties may adopt an alternative method of service if they meet the requirements of Government Code §62.014. (See Gov't Code §§62.013(b)(2), 62.014).

These instructions discuss 3 options for the written jury summons and questionnaire. (Counties wishing to utilize a method not included in these instructions should contact OCA's general counsel at (512) 463-1625.)

I. County Mails Jury Summons and Questionnaire to Prospective Jurors

The updated OCA model that was originally designed to be printed on an 8 ½" by 11" card with a fold in the middle to result in an 8 ½" by 5 ½" mail piece should be used if a county wishes to mail both the jury summons and the questionnaire. Page one of the model is designed to be on the front of the card while page 2 is designed to be on the back.

Please note the following instructions to ensure that you modify the model in an appropriate manner for your county:

1) The four blanks in the sentences on the top of page 2 should be filled in with the title of the appropriate clerk (e.g., district clerk);
2) Exemptions 8 and 9 should not be listed in counties with populations of less than 200,000;
3) Exemption 9 should not be listed in counties with populations of less than 250,000;
4) Exemption 8 should not be listed in any county in which the county uses a jury plan under Government Code §62.011 and the period authorized under §62.011(b)(5) exceeds two years;
5) Exemption 9 should not be listed in any county in which the county's jury wheel has been reconstituted prior to the time that a person who has previously served as a petit juror in the county has again been summoned for jury service; and
6) Complete the contact information in the area designated as "Clerk Contact Information" on the top of page two.

Understanding that each Texas county is different, OCA believes counties may format the text of the model to meet their particular needs. Maps, parking information, internet access information, and other similar information may be added to the model. The top portion of page one is especially flexible. Counties may reorganize or delete, with the exception of time, date, and place, information on the top portion of page one to fit their particular needs.

II. County Mails Jury Summons Which Directs Prospective Jurors to the Court's Internet Website to Print the Questionnaire

Texas Gov't Code Sec. 62.0131(b)(4)(B) permits a county to direct prospective jurors to the electronic address of the court's internet website from which the juror questionnaire *may be easily printed*. Rather than provide a model "form" for a jury summons that accomplishes this, **OCA has developed a list of the minimum requirements to be included on such a summons**.

The summons must:

1) be 3 ½" by 5" or larger in size;
2) provide the time and place for the appearance of the prospective juror for jury service;
3) include the following statements (at a minimum) regarding the penalty for failure to comply with the jury summons and information relating to the duties of an employer with regard to an employee who is summoned for jury service:

   Failure to respond may subject you to a fine of $100 to $1,000. (Gov't Code Sec. 62.0141)

   Your employer may not take adverse action against you for serving as a juror. (Civ. Prac. & Rem. Code, Ch. 122)

4) provide the address of the court's internet website where the juror can print the mandatory model juror questionnaire;
5) include one of the following:
   a. a list of the exemptions and restrictions governing jury service under Subchapter B of Chapter 62 of the Government

Code (§§62.102 and 62.106); or
   b. the electronic address of the court's internet website on which these exemptions and restrictions are posted; and
6) provide, at a minimum, a phone number that a prospective juror may call if they do not have access to the internet, need assistance, or have questions.

If applicable, clerks should confirm that the designated website lists the exemptions and qualifications for jury service and that the questionnaire can be easily printed from the website.

Counties may format the text of the model to meet their particular needs and **are free to provide more information than the minimum requirements listed above** (e.g., more detailed information regarding the penalty for failure to respond and the duties of an employer regarding jurors, QR codes linking to the court's internet website, email addresses for prospective jurors to contact clerk staff, maps, and parking information).

III. County Mails Written Jury Summons Which Directs Prospective Jurors to the Court's Internet Website to Complete the Questionnaire Online (Electronic Plan)

Texas Gov't Code Sec. 62.0131(b)(4)(C) permits certain counties to provide the electronic address of the court's internet website where a prospective juror can access and complete the mandatory model juror questionnaire. Rather than provide a model "form" for a jury summons that accomplishes this, OCA has developed a list of the minimum requirements to be included on such a summons.

Note: In order to use this method, a county must have adopted an electronic method of selecting the names of prospective jurors for jury service as authorized under Government Code §62.011. (See Gov't Code §62.0132(d))

The summons must:

1) be 3 ½" by 5" or larger in size;
2) provide the time and place for the appearance of the prospective juror for jury service;
3) include the following statements (at a minimum) regarding the penalty for failure to comply with the jury summons and information relating to the duties of an employer with regard to an employee who is summoned for jury service:

   Failure to respond may subject you to a fine of $100 to $1,000. (Gov't Code Sec. 62.0141)
   Your employer may not take adverse action against you for serving as a juror. (Civ. Prac. & Rem. Code, Ch. 122)

4) provide the address of the court's internet website where the juror can access and complete the mandatory model juror questionnaire;
5) include one of the following:
   a. a list of the exemptions and restrictions governing jury service under Subchapter B of Chapter 62 of the Government Code (§§62.102 and 62.106); or
   b. the electronic address of the court's internet website on which these exemptions and restrictions are posted; and
6) provide, at a minimum, a phone number that a prospective juror may call if they do not have access to the internet, need assistance, or have questions.

If applicable, clerks should confirm that the designated website lists the exemptions and qualifications for jury service.
Counties may format the text of the model to meet their particular needs and **are free to provide more information than the minimum requirements listed above** (e.g., more detailed information regarding the penalty for failure to respond and the duties of an employer regarding jurors, QR codes linking to the court's internet website, email addresses for prospective jurors to contact clerk staff, maps, and parking information).

If you have any questions concerning these instructions or the *Official Model Jury Summons and Questionnaire*, please contact OCA's Legal Department to speak with Brandon Bellows or Margie Johnson.

(Rev. 8/2023)

_____ County, Texas

_____(Address)_____
_____(Address)_____
_____(Address)_____

JURY SUMMONS NO. _____

Dear Prospective Juror:
You are hereby summoned for jury service as set out below:

Time:
Date:
Place:

Forwarding Service Requested
POSTMASTER
PLEASE DELIVER TO:

THE FOLLOWING "JUROR QUESTIONNAIRE" IS MANDATED BY GOVERNMENT CODE, SECTION 62.0132.
Your answers are CONFIDENTIAL and may be disclosed only to the judge, court personnel, the litigant, and the litigant's attorney, and, other than juror qualification information related to the legal accusation of, indictment for, or conviction of misdemeanor theft or a felony, to the county voter registrar.

JUROR QUESTIONNAIRE

PLEASE TYPE OR PRINT WITH INK ONLY

□ Male □ Female	Race (required by State Law):	Age:	Date of Birth:	Are you a U.S. Citizen? □ Y □ N *(Please see "Note" below)*

Your Name:	E-mail Address:	**Please check highest level of education completed:** □ No H.S. Diploma or GED □ GED □ H.S. Diploma □ 2yr College □ 4yr College/University □ Post-Graduate □ Other_____
Home Address:		
Mailing Address (if different from home):		
Primary Phone: / Alternate Phone: / County of Residence:		
Your Occupation:		
Your Employer:	How Long?	**Current Marital Status:** □ Single □ Married □ Widowed □ Divorced
Spouse's Name:	Spouse's Occupation:	
Spouse's Employer:	How Long?	
Have you ever served on a civil jury? □ Y □ N	Have you ever served on a criminal jury? □ Y □ N	Number of Children: _____
I CERTIFY THAT ALL ANSWERS ARE TRUE AND CORRECT. Please sign here: _____		Ranges of Age: from ____ years to ____ years
NOTE: If you state that you are not a U.S. citizen, you will no longer be eligible to vote if you fail to provide proof of U.S. citizenship to your county voter registrar.		

Rev. 07/2023

Editor's Note: To be eligible to serve on a jury of a municipal court, including a municipal court of record, a person must also be a resident of the municipality for which the court is established. Sec. 62.501, G.C.

OFFICIAL MODEL JURY SUMMONS AND QUESTIONNAIRE (Page 2 of 2)

Directions: You must report for jury service unless you: (1) claim an **exemption**; (2) are **disqualified**; or (3) choose to **postpone** your service.

To Claim an Exemption: Circle the exemption(s) that you claim. Sign the form. Mail or take the form to the _____ clerk's office. NOTE: You do not have to claim an exemption and may instead choose to serve.

If You are Disqualified: Circle the qualification(s) that you do not meet. Sign the form. Mail or take the form to the _____ clerk. NOTE: If you claim to be disqualified because you are not a resident of this county, you may become ineligible to vote in this county. If you state that you are not a U.S. citizen, you will no longer be eligible to vote if you fail to provide proof of U.S. citizenship to your county voter registrar.

To Postpone Your Service: Contact the _____ clerk's office before your scheduled date of service.

Before Reporting for Jury Service: Please complete the juror questionnaire. Bring the questionnaire with you when you report.

Questions or Special Accommodations: Please contact the _____ clerk's office.

(Clerk)
(Contact Information)

EXEMPTIONS FROM JURY SERVICE
(Texas Government Code, Section 62.106)

1. You are over 75 years of age.
2. You have legal custody of a child or children younger than 12 years of age and service on the jury would require leaving the child or children without adequate supervision.
3. You are a student at a public or private high school.
4. You are enrolled and in actual attendance at an institution of higher education.
5. You are an officer or an employee of the senate, the house of representatives, or any department, commission, board, office, or other agency in the legislative branch of state government.
6. You are the primary caretaker of a person who is unable to care for himself or herself. (This exemption does not apply to you if you are a primary caretaker only in your capacity as a health care worker.)
7. You are a member of the United States military forces serving on active duty and deployed to a location away from your home station and out of your county of residence.
8. You have served as a juror in this county during the 24-month period prior to the date you are required to appear by this summons.
9. You have been summoned for jury service in this county and you have served as a petit juror in this county during the three-year period prior to the date you are required to appear by this summons.

QUALIFICATIONS FOR JURY SERVICE
(Texas Government Code, Section 62.102, except where noted)

To be qualified to serve as a juror you *must:*

1. be at least 18 years of age;
2. be a citizen of the United States;
3. be a resident of this state and a resident of the county in which you are to serve as a juror;
4. be qualified under the Constitution and laws to vote in the county in which you are to serve as a juror (*Note: You do not have to be registered to vote to be qualified to vote)*;
5. be of sound mind and good moral character;
6. be able to read and write;
7. not have served as a juror for six days during the preceding three months in the county court or during the preceding six months in the district court;
8. not have been convicted of, or be under indictment or other legal accusation for, misdemeanor theft or a felony; and
9. be a resident of the municipality for which the court is established (Government Code, Section 62.501; specific to municipal courts).

I certify that I am exempt or disqualified from jury service for the reasons circled above.

_____ _____
Signature Date

Right to Reemployment: A private employer may not terminate the employment of a permanent employee because the employee serves as a juror. An employee whose employment is terminated in violation of this section is entitled to return to the same employment that the employee held when summoned for jury service if the employee, as soon as practical after release from jury service, gives the employer actual notice that the employee intends to return. (Civil Practice and Remedies Code, Section 122.001). Terminating an employee for performing jury duty is punishable by up to 180 days in jail and/or a fine not to exceed $2,000. (Civil Practice and Remedies Code, Section 122.002).

Failure to Answer Summons and Provision of False Information: Any person summoned who fails to attend or who fails to remain in attendance until discharged by the Court may be fined an amount not to exceed $100 for contempt (Code of Criminal Procedure, Article 45.027. A person shall be fined not less than $100 nor more than $500 if the person: (1) fails to attend court in obedience to this summons without reasonable excuse; or (2) files a false claim of exemption from jury service (Government Code, Section 62.111; *see also* Code of Criminal Procedure, Article 35.01). A person who fails to comply with this summons, or who knowingly provides false information in a request for an exemption or to be excused from jury service, is subject to a contempt action punishable by a fine of not less than $100 nor more than $1,000 (Government Code, Section 62.0141).

JURY PANEL LIST (Venire Panel)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

The following persons have been selected as the jury panel (venire panel): *

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____

*Add additional sheets as necessary.

OTHER JURORS SUMMONED ("PICK UP JURY") (Art. 45.028, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

TO SAID PEACE OFFICER, _____, of _____ – GREETINGS:

You are hereby Ordered to summon _____*(number)* persons who are qualified jurors in the city, to appear before this Court on the ___ day of _____ , 20___ at _____ o'clock ____.m., then and there to serve as jurors in the trial of such cause or causes as are then set for jury trial.

You are further Ordered that the summons shall be verbal and in person to each person so summoned (and that you shall command each person so summoned to proceed immediately to this Court).

Signed and entered this _____ day of _____, 20___.

(municipal court seal)

_____
Judge Presiding

RETURN OF JURY VENIRE

Came into hand on _____, 20___, at _____ o'clock ____.m. and executed as to the following persons by verbally summoning each of them in person:*

	Name	Date and Time Summoned
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

*Add additional pages as needed for more jurors.

_____
Officer Executing Return

Editor's Note: Jurors summoned under Section 45.028, G.C., should be selected at random. As such, peace officers are discouraged from selecting standing volunteers or court personnel to attain a sufficient number of jurors.

Members of the "pick up jury" must still meet the juror qualifications of Sections 62.102 and 62.501, G.C.

JURY LIST

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

The following persons have been selected as the jury:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

EVIDENCE LOG FORM

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

DOCUMENTARY EVIDENCE LOG FORM

State Exhibits	Defense Exhibits	Exhibit #	Admitted	Description

SIGNED this the _____ day of _____, 20____.

_____
Judge Presiding

***ALLEN* CHARGE**

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

Each of you must decide this case for yourself, but only after discussion and impartial consideration of the case with your fellow jurors. It is your duty to consult with one another and consider each other's views, without being an advocate for one side or the other. If after re-examining each of your own views you find that you are unable to reach a unanimous verdict, I will have to declare a mistrial and discharge the jury. The charges will remain pending, and it is reasonable to assume that the case will be tried again before another jury, who will likely hear the same evidence which you have heard. There is no reason to hope that any future jury will find a decision in this case any easier than you have.

Therefore, I ask you to continue to deliberate in an effort to reach a verdict that is acceptable to all jurors if you can do so without doing violence to your conscience.

Signed this _____ day of _____, 20___.

_____
Judge

VERDICT: ELECTION FOR JURY PUNISHMENT

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

VERDICT

☐ **GUILTY**

We, the jury, find the above-named Defendant **guilty** as charged in the complaint and assess a fine of $_____.

_____
Jury Foreperson

Date: _____

. . . . . .

☐ **NOT GUILTY**

We, the jury, find the above-named Defendant **not guilty**.

_____
Jury Foreperson

Date: _____

Editor's Note: The Court of Criminal Appeals said that Art. 37.07, C.C.P. can be read to support both a negative and positive answer to the question whether the law allows a defendant in a municipal court who exercised the right to a jury trial to elect, in the event of conviction, whether the fine will be set by the jury or judge. See *In re Yeager*, 601 S.W.3d 356 (Tex. Crim. App. 2020).

VERDICT: JURY SENTENCE AND BENCH PUNISHMENT

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

VERDICT

☐ **GUILTY**

We, the jury, find the above-named Defendant **guilty** as charged in the complaint.

_____
Jury Foreperson

Date: _____

. . . . . .

☐ **NOT GUILTY**

We, the jury, find the above-named Defendant **not guilty**.

_____
Jury Foreperson

Date: _____

Editor's Note: The Court of Criminal Appeals said that Art. 37.07, C.C.P. can be read to support both a negative and positive answer to the question whether the law allows a defendant in a municipal court who exercised the right to a jury trial to elect, in the event of conviction, whether the fine will be set by the jury or judge. See *In re Yeager*, 601 S.W.3d 356 (Tex. Crim. App. 2020).

JUROR/WITNESS/DEFENDANT EXCUSE LETTER

(municipal court seal)

Date: _____

To Whom It May Concern:

Please be advised that _____ was in our court the _____ day of _____, 20___, from _____ o'clock ___.m. until _____ o'clock ___.m. as a (Defendant)(witness)(juror).

Thank you,

_____
(Bailiff)(Clerk), Municipal Court

City of _____

_____County, Texas

Editor's Note: Section 122.002 of the Texas Civil Practice & Remedies Code makes terminating an employee because he or she performs jury duty a Class B misdemeanor.

Certificate of Appreciation for Jury Service

"The right of trial by jury shall remain inviolate."

Constitution of the State of Texas, Article I, Section 15

"…we believe that trial by jury … is fundamental to the American scheme of justice … ."

"…trial by jury is more than an instrument of justice and more than one wheel of the Constitution: it is the lamp that shows that freedom lives … ."

***Duncan vs. Louisiana*, 391 U.S. 145 at 149 & 156 (1967)**

This certificate is given in appreciation to

_____

for service as a juror in the City of _____ Municipal Court on

_____.

(municipal court seal)

_____

Judge, Municipal Court
City of _____
_____***County, Texas***

Editor's Note: Section 662.155 of the Government Code designates the first seven days in May as Jury Appreciation Week in recognition of the outstanding and important contributions made by Texas citizens who serve as jurors.



JUDGMENTS & ORDERS

JUDGMENTS & ORDERS

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CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS.	§	**CITY OF _____**
_____	§	**_____ COUNTY, TEXAS**

JUDGMENT

On this the ____day of _____, 20___, the Defendant in the above numbered and entitled cause appeared (by attorney) (in person) (by mail) and entered a plea of (guilty) (no contest) (not guilty) and waived a jury trial; and the Court, having heard the evidence and arguments, finds the Defendant **guilty** of the offense of _____.

The Defendant being found **guilty** and assessed a fine of $_____, it is therefore **Ordered and Adjudged** by the Court that the State of Texas, for the use and benefit of the City of _____, Texas, does have and recover from the Defendant the fine in the amount of $_____, plus any and all costs required to be paid, which as of this date are $_____.

☐ The Defendant having entered a plea in open court as provided by Article 27.14(a) or 27.16(a), C.C.P., and the Judge having inquired whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs, the Judge determines that the Defendant:
☐ **DOES** have sufficient resources or income to immediately pay all or part of the fine and costs.
☐ **DOES NOT** have sufficient resources or income to immediately pay all or part of the fine and costs.

☐ Having determined that the Defendant **does not** have sufficient resources or income to immediately pay all or part of the fine and costs, it is **hereby Ordered** that *(check one or a combination of the following)*:
- ☐ The Defendant pay the fine and costs by _____, 20_____.
- ☐ The Defendant pay the fine and costs at designated intervals. See attached Installment Agreement Order incorporated as part of this judgment.
- ☐ The Defendant discharge the fine and costs by performing community service. See attached Community Service Order incorporated as part of this judgment.
- ☐ (All) (Part) of the fine and costs are waived. See attached Waiver of Payment of Fines and Costs for Certain Defendants and for Children incorporated as part of this judgment.

☐ The Defendant is **hereby Ordered** to pay the fine and costs**:**
- ☐ immediately.
- ☐ by _____, 20_____.
- ☐ at designated intervals. See attached Installment Agreement Order incorporated as part of this judgment.

☐ (*If sentence in addition to payment of fine is authorized)* It is further **Ordered** that the Defendant shall _____ _____ _____ no later than _____, 20_____.

☐ The Defendant is hereby **Ordered** to pay restitution in the amount of $_____ to the victim in this case. Said restitution to be paid by _____.

☐ The Defendant was confined in jail or prison while serving a sentence for another offense and the confinement occurred after the commission of the offense now before the court. The Defendant is granted credit in the following amount (not less than $150 per day of confinement): $_____.

It is further Ordered and Adjudged that in the event the Defendant defaults in the discharge of this judgment and is placed in jail, pursuant to Article 45.048(b) of the Code of Criminal Procedure, the Court specifies that, provided a commitment hearing is first conducted, the Defendant remain in jail a sufficient length of time to satisfy the fine and costs at the following rate:

_____ hours (*not less than 8 or more than 24*) to earn
_____ (*minimum dollar amount $150*) to satisfy the fine and costs.

_____
Judge, Municipal Court Date

(municipal court seal)

City of_____

_____County, Texas

Editor's Note: The judge may not require a defendant who is under the conservatorship of the Department of Family and Protective Services or in extended foster care to pay any amount of the fine and costs. The judge may require the defendant to perform community service. Article 45.041(b-6), C.C.P.

JUDGMENT: JURY WAIVED - GUILTY (JUVENILE) (Art. 45.041, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____ COUNTY, TEXAS**

JUDGMENT

On this the ____day of _____, 20___, the Defendant in the above numbered and entitled cause appeared in person, (with a parent or guardian) (presence of parent or guardian waived after diligence used to obtain presence), (was represented by an attorney) (representation by an attorney waived), and entered a plea of (guilty) (no contest) (not guilty) and waived a jury trial; and the Court, having heard the evidence and arguments, finds the Defendant **guilty** of the offense of _____ _____.

The Defendant being found **guilty** and assessed a fine of $_____, it is therefore **Ordered and Adjudged** by the Court that the State of Texas, for the use and benefit of the City of _____, Texas, does have and recover from the Defendant the fine in the amount of $_____, plus any and all costs required to be paid, which as of this date are $_____.

It is **hereby Ordered** that *(check one or a combination of the following)*:

- ☐ The Defendant pay the fine and costs by _____, 20_____.
- ☐ The Defendant pay the fine and costs at designated intervals. See attached Installment Agreement Order incorporated as part of this judgment.
- ☐ The Defendant discharge the fine and costs by performing community service or attending tutoring. See attached Tutoring or Community Service Addendum - Juveniles incorporated as part of this judgment.
- ☐ (All) (Part) of the fine and costs in the amount of are waived. See attached Waiver of Payment of Fines and Costs for Certain Defendants and for Children incorporated as part of this judgment.
- ☐ The Defendant attend _____ _____See attached Optional Orders Applicable to Juveniles incorporated as part of this judgment.

_____
Judge, Municipal Court Date

(municipal court seal)

City of_____

_____County, Texas

Editor's Note: The judge may order any of the general optional orders applicable to juveniles under Article 45.057 of the Code of Criminal Procedure and/or may allow the defendant to discharge the fines/costs through community service or tutoring under Article 45.0492 of the Code of Criminal Procedure. Attach to this Order the applicable Optional Orders Applicable to Juveniles form or Community Service/Tutoring Addendums.

The judge may not require a defendant who is under the conservatorship of the Department of Family and Protective Services or in extended foster care to pay any amount of the fine and costs. The judge may require the defendant to perform community service. Article 45.041(b-6), C.C.P.

CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS.	§	**CITY OF _____**
_____	§	**_____ COUNTY, TEXAS**

JUDGMENT

On this the ____ day of _____, 20___, the Defendant in the above numbered and entitled cause appeared in person and entered a plea of not guilty and demanded a jury trial; and the jury, having heard the evidence and arguments, found the Defendant:

☐ Guilty of the offense of _____ and **the jury** assessed a fine of $_____.
☐ Guilty of the offense of_____ and **the Court** assesses a fine of $_____.

It is therefore **Ordered and Adjudged** by the Court that the State of Texas, for the use and benefit of the City of _____, Texas, does have and recover from the Defendant the fine in the amount of $_____, plus any and all costs required to be paid, which as of this date are $_____.

☐ The Defendant having entered a plea in open court as provided by Article 27.16(a), C.C.P., and the Judge having inquired whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs, the Judge determines that the Defendant:

☐ **DOES** have sufficient resources or income to immediately pay all or part of the fine and costs.
☐ **DOES NOT** have sufficient resources or income to immediately pay all or part of the fine and costs.

☐ Having determined that the Defendant **does not** have sufficient resources or income to immediately pay all or part of the fine and costs, it is **hereby Ordered** that *(check one or a combination of the following)*:

- ☐ The Defendant pay the fine and costs by _____, 20_____.
- ☐ The Defendant pay the fine and costs at designated intervals. See attached Installment Agreement Order incorporated as part of this judgment.
- ☐ The Defendant discharge the fine and costs by performing community service. See attached Community Service Order incorporated as part of this judgment.
- ☐ (All) (Part) of the fine and costs in the amount of are waived. See attached Waiver of Payment of Fines and Costs for Certain Defendants and for Children incorporated as part of this judgment.

☐ The Defendant is **hereby Ordered** to pay the fine and costs**:**

- ☐ immediately.
- ☐ by _____, 20_____.
- ☐ at designated intervals. See the attached payment order incorporated as part of this judgment.

☐ (*If sentence in addition to payment of fine is authorized)* It is further **Ordered** that the Defendant shall _____ _____no later than _____, 20_____.

JUDGMENT: AFTER JURY VERDICT (2 OF 2) (Art. 45.041, C.C.P.)

☐ The Defendant is hereby **Ordered** to pay restitution in the amount of $_____ to the victim in this case. Said restitution to be paid by_____.

☐ The Defendant was confined in jail or prison while serving a sentence for another offense and the confinement occurred after the commission of the offense now before the court. The Defendant is granted credit in the following amount (not less than $150 per day of confinement): $_____.

It is further Ordered and Adjudged that in the event the Defendant defaults in the discharge of this judgment and is placed in jail, pursuant to Article 45.048(b) of the Code of Criminal Procedure, the Court specifies that, provided a commitment hearing is first conducted, the Defendant remain in jail a sufficient length of time to satisfy the fine and costs at the following rate:

_____ hours (*not less than 8 or more than 24*) to earn
_____ (*minimum dollar amount $150*) to satisfy the fine and costs.

_____
Judge, Municipal Court Date

(municipal court seal)

City of_____

_____County, Texas

Editor's Note: The judge may not require a defendant who is under the conservatorship of the Department of Family and Protective Services or in extended foster care to pay any amount of the fine and costs. The judge may require the defendant to perform community service. Art. 45.041(b-6), C.C.P.

JUDGMENT: AFTER JURY VERDICT (JUVENILE) (Art. 45.041, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS.	§	**CITY OF _____**
_____	§	**_____ COUNTY, TEXAS**

JUDGMENT

On this the ____ day of _____, 20___, the Defendant in the above numbered and entitled cause appeared in person, (with a parent or guardian) (presence of parent or guardian waived after diligence used to obtain presence), (was represented by an attorney) (representation by an attorney waived), and entered a plea of not guilty and demanded a jury trial; and the jury, having heard the evidence and arguments, found the Defendant:

☐ Guilty of the offense of _____ and **the jury** assessed a fine of $_____.

☐ Guilty of the offense of _____and **the Court** assesses a fine of $_____.

☐ It is therefore **Ordered and Adjudged** by the Court that the State of Texas, for the use and benefit of the City of _____, Texas, does have and recover from the Defendant the fine in the amount of $_____, plus any and all costs required to be paid, which as of this date are $_____.

It is **hereby Ordered** that *(check one or a combination of the following)*:

- ☐ The Defendant pay the fine and costs by _____, 20_____.
- ☐ The Defendant pay the fine and costs at designated intervals. See attached Installment Agreement Order incorporated as part of this judgment.
- ☐ The Defendant discharge the fine and costs by performing community service or attending tutoring. See attached Tutoring or Community Service Addendum - Juveniles incorporated as part of this judgment.
- ☐ (All) (Part) of the fine and costs in the amount of are waived. See attached Waiver of Payment of Fines and Costs for Certain Defendants and for Children incorporated as part of this judgment.
- ☐ The Defendant attend _____ _____See attached Optional Orders Applicable to Juveniles incorporated as part of this judgment.

_____
Judge, Municipal Court Date

(municipal court seal)

City of_____

_____County, Texas

Editor's Note: The judge may order any of the general optional orders applicable to juveniles under Article 45.057, C.C.P., and/or may allow the defendant to discharge the fines/costs through community service or tutoring under Article 45.0492, C.C.P. Attach to this Order the applicable Optional Orders Applicable to Juveniles form or Community Service/Tutoring Addendums.

The judge may not require a defendant who is under the conservatorship of the Department of Family and Protective Services or in extended foster care to pay any amount of the fine and costs. The judge may require the defendant to perform community service. Article 45.041(b-6), C.C.P.

JUDGMENT: FORFEITURE OF CASH BOND IN SATISFACTION OF FINE (Art. 45.044, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS.	§	**CITY OF _____**
_____	§	**_____ COUNTY, TEXAS**

JUDGMENT

This Court finds that on the ____ day of _____, 20____, the Defendant, _____, posted a cash bond with this Court and entered a written and signed plea of nolo contendere and a waiver of jury trial conditional on (his)(her) appearance according to the terms of the Defendant's release. Further, this Court finds, that on this the ____ day of _____, 20___, Defendant failed to appear as ordered in the terms of (his)(her) release.

Thereby, the Court finds the Defendant **guilty** of the offense of _____ and conviction is hereby entered against the Defendant. According to the terms of the Defendant's release, the cash bond posted with this Court is hereby forfeited to satisfy the fine and costs assessed against the Defendant.

Further, **it is Ordered**, that a copy of this Judgment be sent to the Defendant immediately by regular mail to the Defendant's last known address.

Defendant:

You are hereby notified that on the _____ day of _____, 20____, a judgment of conviction and forfeiture of bond has been entered against you in the above styled cause for the offense of _____. The forfeiture of the cash bond posted in this case satisfies the fine and costs in this case.

You have the right to a new trial in this case. You must make your motion for new trial not later than the 10th day after the date the judgment and forfeiture were entered against you. If you timely make this motion for new trial, this Court shall grant your motion and you will be permitted to withdraw your previously entered plea of nolo contendere and waiver of jury trial.

_____
Judge, Municipal Court Date

(municipal court seal)

City of_____

_____County, Texas

JUDGMENT: NOT GUILTY (ADULT AND JUVENILE)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____ COUNTY, TEXAS**

JUDGMENT OF ACQUITTAL

On this the ____ day of _____, 20___, the Defendant in the above numbered and entitled cause appeared (by attorney) (in person) and entered a plea of not guilty and (waived)(demanded) a jury trial; and the (Court)(jury), having heard the evidence and arguments, finds the Defendant **not guilty** of the offense of _____.

It is therefore Ordered and Adjudged, that the Defendant, being found **not guilty**, is immediately discharged from all further liability for the offense alleged in this cause and the Defendant may go hence without payment of costs.

_____
Judge, Municipal Court Date

(municipal court seal)

City of _____

_____County, Texas

ORDER TO REFUND CASH BOND (Art. 17.02, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS.	§	**CITY OF _____**
_____	§	**_____ COUNTY, TEXAS**

ORDER

This Court finds that _____, Defendant in the above styled case, has complied with the conditions of the bond posted to secure the Defendant's appearance in this cause. **It is hereby Ordered** that the cash bond posted in the above styled case be refunded to any person in the name of whom a receipt was issued, in the amount reflected on the face of the receipt, including the Defendant if a receipt was issued to the Defendant, or to the Defendant, if no other person is able to produce a receipt for the funds.

_____

Judge, Municipal Court Date

(municipal court seal)

City of _____,

_____County, Texas

DISMISSAL BY THE COURT: COMPLIANCE DISMISSAL (1 OF 2)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____ COUNTY, TEXAS**

ORDER OF DISMISSAL

On this the _____ day of _____, 20____, the Defendant appeared in the above numbered and styled cause and presented evidence of remedying a defect. Therefore, the above numbered and styled cause is dismissed on the Defendant's motion for the reason:

☐ Defendant presented evidence of remedied expired driver's license within 20 working days or before the Defendant's first court appearance, whichever is later. (Sec. 521.026, T.C.)
  ☐ It is also ordered that the Defendant pay a $_____reimbursement fee/fine/fee* (*up to $20*).

☐ Defendant presented evidence of remedied driver's license by changing the address or name on his or her driver's license not later than 20 working days after the date of the offense. (Sec. 521.054, T.C.)
  ☐ The Defendant paid a $_____ reimbursement fee/fine/fee* (*up to $20*).
  ☐ The fine is waived in the interest of justice.

☐ Defendant presented evidence that the defendant's driver's license endorsement was imposed because of a physical condition that was surgically or otherwise medically corrected before the date of the offense or was in error; DPS removed the restriction or endorsement before the Defendant's first court appearance; and the Defendant paid a $____ reimbursement fee/fine/fee* (*up to $10*). (Sec. 521.221, T.C.)

☐ Defendant presented evidence of remedied expired registration within 20 working days or before the Defendant's first court appearance, whichever is later, and proof of payment of a late registration fee to the county assessor-collector. (Sec. 502.407, T.C.)
  ☐ It is also ordered that the Defendant pay a $_____ reimbursement fee/fine/fee* (*up to $20*).

☐ Defendant presented evidence of a registration insignia issued to the motor vehicle that was attached to the vehicle establishing that the vehicle was registered for the period during which the offense was committed, and the Defendant paid a $_____ reimbursement fee/fine/fee* *(up to $10)*. (Sec. 502.473, T.C.)

☐ Defendant presented evidence of remedied registration insignia issued and attached to the motor vehicle establishing that the vehicle has been registered before the Defendant's first court appearance, and the Defendant paid a $_____ reimbursement fee/fee* *(up to $10)*. (Sec. 502.473, T.C.)

☐ Defendant presented evidence of remedied registration insignia that is for the correct vehicle, issued by the correct department, and is in effect for the current period, before the Defendant's first court appearance, and the Defendant paid a $_____ reimbursement fee/fine/fee* *(up to $10)*. (Sec. 502.475, T.C.)

☐ Defendant presented evidence of remedied license plates (by properly displaying the required plates on the vehicle) before the Defendant's first court appearance, and the Defendant paid a $_____ reimbursement fee/fine/fee* *(up to $10)*. (Sec. 504.943, T.C.)

☐ Defendant presented evidence of remedied license plates that are for the current period and not obscured or impaired in readability before the Defendant's first court appearance, the Defendant showed that the vehicle was issued a plate by the department that was attached to the vehicle, establishing that the vehicle was registered for the period during which the offense was committed, and the Defendant paid a $_____ reimbursement fee/fine/fee* *(up to $10)*. (Sec. 504.945, T.C.)

DISMISSAL BY THE COURT: COMPLIANCE DISMISSAL (2 OF 2)

☐ Defendant presented evidence of remedied defective equipment before the Defendant's first court appearance, the offense did not involve a commercial motor vehicle, and the Defendant paid a $_____ reimbursement fee/fine/fee* (*up to $10*). (Sec. 547.004, T.C.)

☐ Defendant presented evidence of remedied expired disabled parking placard within 20 working days or before the Defendant's first court appearance, whichever is later. The disabled parking placard was not expired for more than 60 days, and the Defendant paid $_____reimbursement fee/fine/fee* (*up to $20*). (Sec. 681.013, T.C.)

☐ Defendant presented evidence of a driver's license issued to the defendant, appropriate for the type of vehicle operated, that was valid at the time of the offense. (Sec. 521.025, T.C.)

☐ It is also ordered that the Defendant pay a $_____ fee (*up to $10*).

☐ Defendant presented satisfactory evidence to the Court of valid proof of financial responsibility under Section 601.053, T.C. that was valid and in effect at the time of the offense. (Sec. 601.193, T.C.)

☐ *[For Offenses Committed before March 1, 2015]* Defendant presented evidence of remedied expired inspection within 20 working days or before the Defendant's first court appearance, whichever is later. The inspection certificate was not expired for more than 60 days, and the Defendant paid a $_____ fee (*up to $20*). (Sec. 548.605, T.C.)

☐ Defendant presented evidence of a passing vehicle inspection report (1) within 20 working days after the date of citation *(operating a vehicle without complying with inspection requirements as certified under Section 548.256, T.C.)* or before the Defendant's first court appearance date, whichever is later and (2) within 40 working days after the applicable deadline provided by Chapter 548, T.C., Chapter 382, H.S.C., or the Texas Department of Motor Vehicle's administrative rules regarding inspection requirements. (Sec. 548.605, T.C.)

☐ It is also ordered that the Defendant pay a $_____ reimbursement fee/fine/fee (*up to $20*).

☐ *[For Offenses Committed on or after January 1, 2016]* Defendant presented evidence of a *[commercial learner's permit or driver's license]* that was issued to the defendant and was valid when the offense was committed. (Sec. 522.011, T.C.)

☐ It is also ordered that the Defendant pay a $_____ fee (*up to $10*).

_____
Judge, Municipal Court Date

(municipal court seal)

City of _____,

_____ County, Texas

Editor's Note: With the few exceptions referenced in this form and under the provisions detailed in the Deferred Proceedings, local trial courts generally do not have the authority to unilaterally dismiss charges without a prosecutor's motion.

*In 2019, Senate Bill 346 renamed 10 compliance dismissal fees as fines. In 2021, Senate Bill 1923 renamed many of the fines as reimbursement fees. Generally, if an offense was committed prior to January 1, 2020, the appropriate name for the money paid as part of a compliance dismissal is a fee; if the offense was committed on or after January 1, 2020 but before September 1, 2021, it is a fine; and if committed after September 1, 2021, it is a reimbursement fee.

JUDGMENT: DRIVING OR OPERATING WATERCRAFT UNDER THE INFLUENCE OF ALCOHOL BY MINOR – GUILTY (Sec. 106.041, A.B.C.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____ COUNTY, TEXAS**

JUDGMENT

On this the ____day of _____, 20___, the Defendant in the above numbered and entitled cause appeared in person and entered a plea of (guilty) (no contest) (not guilty) and (waived)(did not waive) a jury trial; and the (Court)(jury), having heard the evidence and arguments, finds the Defendant guilty of the offense of Driving or Operating Watercraft Under the Influence of Alcohol by a Minor, Section 106.041, Alcoholic Beverage Code.

The Defendant being found guilty and assessed a fine of $_____, it is therefore **Ordered and Adjudged** by the Court that the State of Texas, for the use and benefit of the City of _____, Texas, does have and recover from the Defendant the fine in the amount of $_____, plus any and all costs required to be paid, which as of this date are $_____.

☐ The Defendant having entered a plea in open court as provided by Article 27.14(a) or 27.16(a), C.C.P., and the Judge having inquired whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs, the Judge determines that the Defendant:
☐ **DOES** have sufficient resources or income to immediately pay all or part of the fine and costs.
☐ **DOES NOT** have sufficient resources or income to immediately pay all or part of the fine and costs.

☐ Having determined that the Defendant **does not** have sufficient resources or income to immediately pay all or part of the fine and costs, it is **hereby Ordered** that *(check one or a combination of the following)*:
- ☐ The Defendant pay the fine and costs by _____, 20_____.
- ☐ The Defendant pay the fine and costs at designated intervals. See attached Installment Agreement Order incorporated as part of this judgment.
- ☐ The Defendant discharge the fine and costs by performing community service. See attached Community Service Order incorporated as part of this judgment.
- ☐ (All) (Part) of the fine and costs in the amount of are waived. See attached Waiver of Payment of Fines and Costs for Certain Defendants and for Children incorporated as part of this judgment.

☐ The Defendant is hereby **Ordered** to pay the fine and costs**:**
- ☐ immediately.
- ☐ by _____, 20_____.
- ☐ at designated intervals. See the attached payment order incorporated as part of this judgment.

☐ **It is further Ordered** that the Defendant present to the Court evidence of completion of *[an alcohol awareness program or a substance misuse education program,]* no later than _____, 20___. *(Enter a date that is within 90 days of the date of final conviction. Sec. 106.115(c), A.B.C.) (course required on first conviction of offenses listed in Sec. 106.115(a), A.B.C.)*

☐ The Court further finds that the Defendant is younger than 18 years of age and that _____ is the (parent)(guardian) of the Defendant. (*Optional*) **It is therefore Ordered** that _____ attend the above-mentioned *alcohol awareness or substance misuse education program* with the Defendant and present to the Court evidence of completion of the course no later than _____, 20___.

☐ The Defendant is **further Ordered** to return to this Court no later than _____, 20___ with evidence that the Defendant has completed _____ hours of alcohol-related community service at _____.

If the Defendant fails to comply with the orders of this judgment issued, the Court shall order the Department of Public Safety to suspend or deny issuance of any driver's license or permit issued to the Defendant.

_____
Judge, Municipal Court Date

(municipal court seal)

City of _____

_____ County, Texas

☐ The Court finds that the Defendant completed the *alcohol awareness/substance misuse education* program within 90 days as ordered by this Court. It is therefore **Ordered** that the fine ordered to be paid on _____, 20____ is reduced to $_____, which is not less than half of the initial fine assessed.

_____
Judge, Municipal Court Date

(municipal court seal)

City of _____

_____ County, Texas

JUDGMENT: POSSESSION, PURCHASE, CONSUMPTION, OR RECEIPT OF CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS BY MINOR – GUILTY (Secs. 161.252 and 161.253, H.S.C.) (1of 2)

CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS.	§	**CITY OF _____**
_____	§	**_____ COUNTY, TEXAS**

ORDER

On this the ____day of _____, 20___, the Defendant in the above numbered and entitled cause appeared in person, entered a plea of (guilty)(no contest)(not guilty), and (waived)(did not waive) a jury trial; and the (Court)(jury), having heard the evidence and arguments, finds the Defendant guilty of the offense of _____.

The Defendant being found guilty and assessed a fine of $_____, it is therefore **Ordered and Adjudged** by the Court that the State of Texas for the use and benefit of the City of _____, Texas, does have and recover from the Defendant the fine in the amount of $_____, plus any and all costs required to be paid.

☐ **It is further Ordered** that the Defendant pay all costs; however, the execution of this sentence (fine) is suspended and the Defendant is **Ordered** to present to this Court evidence of completion of an e-cigarette and tobacco awareness program approved by the Commissioner of Health no later than _____, 20___. (*completion date)*

☐ The Court further finds that _____ is the (parent)(guardian) of the Defendant. (*Optional*) **It is therefore Ordered** that _____ attend the above-mentioned e-cigarette and tobacco awareness program with the Defendant and present to the Court evidence of completion of the program no later than _____, 20___. *(enter same completion date as for Defendant.)*

☐ The Court finds that access to an approved e-cigarette and tobacco awareness program is not readily available. **It is therefore Ordered** that the Defendant pay the court costs; however, execution of this sentence is suspended and the Defendant is **Ordered** to return to this Court no later than _____, 20___ with evidence that the Defendant has completed _____ hours of e-cigarette and tobacco-related community service at _____ _____.

_____
Judge, Municipal Court Date

(municipal court seal)

City of _____

_____County, Texas

FINAL JUDGMENT

☐ The Defendant completed the (e-cigarette and tobacco awareness program) (e-cigarette and tobacco-related community service), is immediately discharged from all further liability for the above offense, including payment of the fine.

☐ *(If the Defendant is 17 or older)*The Defendant having entered a plea in open court as provided by Article 27.14(a) or 27.16(a)) and the judge having inquired whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs, the judge determines that the Defendant:

☐ **DOES** have sufficient resources or income to immediately pay all or part of the fine and costs.
☐ **DOES NOT** have sufficient resources or income to immediately pay all or part of the fine and costs.

JUDGMENT: POSSESSION, PURCHASE, CONSUMPTION, OR RECEIPT OF CIGARETTES, E-CIGARETTES, OR TOBACCO PRODUCTS BY MINOR – GUILTY (Secs. 161.252 and 161.253, H.S.C.) (2 of 2)

☐ The Defendant failed to complete (an e-cigarette and tobacco awareness program) (e-cigarette and tobacco-related community service) as ordered by this Court. It is therefore **Ordered and Adjudged** by the Court that the Defendant pay the fine:

- ☐ immediately.
- ☐ by_____.
- ☐ at designated intervals. See the attached payment order incorporated as part of this judgment.
- ☐ as otherwise specified below.

☐ *(Case filed as a subsequent offense)* The Defendant completed the (e-cigarette and tobacco awareness program) (e-cigarette and tobacco-related community service) as ordered by this Court. It is therefore **Ordered and Adjudged** by the Court the Defendant pay (the fine initially assessed) (the amount of $_____, which is not less than one-half of the fine assessed):

- ☐ immediately.
- ☐ by _____.
- ☐ at designated intervals. See the attached payment order incorporated as part of this judgment.
- ☐ as otherwise specified below.

☐ Having determined that the Defendant is 17 or older and **does not** have sufficient resources or income to immediately pay all or part of the fine and costs, it is **hereby Ordered** that *(check one or a combination of the following)*:

- ☐ The Defendant pay the fine and costs by _____, 20_____.
- ☐ The Defendant pay the fine and costs at designated intervals. See attached Installment Agreement Order incorporated as part of this judgment.
- ☐ The Defendant discharge the fine and costs by performing community service. See attached Community Service Order incorporated as part of this judgment.
- ☐ (All) (Part) of the fine and costs in the amount of are waived. See attached Waiver of Payment of Fines and Costs for Certain Defendants and for Children incorporated as part of this judgment.

☐ Having determined that the Defendant is under 17 years old, it is **hereby Ordered** that *(check one or a combination of the following)*:

- ☐ The Defendant pay the fine and costs by _____, 20_____.
- ☐ The Defendant pay the fine and costs at designated intervals. See attached Installment Agreement Order incorporated as part of this judgment.
- ☐ The Defendant discharge the fine and costs by performing community service or attending tutoring. See attached Tutoring or Community Service Order incorporated as part of this judgment.
- ☐ (All) (Part) of the fine and costs in the amount of are waived. See attached Waiver of Payment of Fines and Costs for Certain Defendants and for Children incorporated as part of this judgment.
- ☐ The Defendant attend _____ See attached Optional Orders Applicable to Juveniles incorporated as part of this judgment.

_____
Judge, Municipal Court Date

(municipal court seal)

City of_____

_____ County, Texas

Editor's Note: If the Defendant is 17 or older, attach a Judgment/Jail Credit Addendum.

For the purposes of Subtitle H of the H.S.C. (Distribution of Cigarettes, E-Cigarettes, or Tobacco Products), "minor" means a person under 21 years of age.

JUDGMENT: PURCHASE OF ALCOHOL BY MINOR, ATTEMPT TO PURCHASE ALCOHOL BY MINOR, CONSUMPTION BY MINOR, MINOR IN POSSESSION OF ALCOHOL, MISREPRESENTATION OF AGE BY MINOR – GUILTY (Secs. 106.071 and 106.115, A.B.C.) (1of 2)

CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS.	§	**CITY OF _____**
_____	§	**_____ COUNTY, TEXAS**

JUDGMENT

On this the ____day of _____, 20___, the Defendant in the above numbered and entitled cause appeared in person, entered a plea of (guilty)(no contest)(not guilty), and (waived)(did not waive) a jury trial; and the (Court)(jury), having heard the evidence and arguments, finds the Defendant guilty of the offense of _____.

The Defendant being found guilty and assessed a fine of $_____, it is therefore **Ordered and Adjudged** by the Court that the State of Texas, for the use and benefit of the City of _____, Texas, does have and recover from the Defendant the fine in the amount of $_____, plus any and all costs required to be paid, which as of this date are $_____.

☐ Having determined that the Defendant entered a plea in open court as provided by Article 27.14(a) or 27.16(a)) and inquired whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs, the judge determines that the Defendant ☐ **DOES** ☐ **DOES NOT** have sufficient resources or income to immediately pay all or part of the fine and costs.

☐ Having determined that the Defendant **does not** have sufficient resources or income to immediately pay all or part of the fine and costs, it is **hereby Ordered** that *(check one or a combination of the following)*:
- ☐ The Defendant pay the fine and costs by _____, 20_____.
- ☐ The Defendant pay the fine and costs at designated intervals. See attached Installment Agreement Order incorporated as part of this judgment.
- ☐ The Defendant discharge the fine and costs by performing community service. See attached Community Service Order incorporated as part of this judgment.
- ☐ (All) (Part) of the fine and costs in the amount of are waived. See attached Waiver of Payment of Fines and Costs for Certain Defendants and for Children incorporated as part of this judgment.

☐ The Defendant is **hereby Ordered** to pay the fine and costs**:**
- ☐ immediately.
- ☐ by _____, 20_____.
- ☐ at designated intervals. See the attached payment order incorporated as part of this judgment.

☐ **It is further Ordered** that the Defendant present to the Court evidence of completion of *[an alcohol awareness program or a substance misuse education program]* no later than _____, 20___. *(Enter a date that is within 90 days of the date of final conviction. Sec. 106.115(c), A.B.C.)*

☐ The Court further finds that the Defendant is younger than 18 years of age and that _____ is the (parent)(guardian) of the Defendant. (*Optional*) **It is therefore Ordered** that _____ attend the above-mentioned *alcohol awareness or substance misuse education program* with the Defendant and present to the Court evidence of completion of the course no later than _____, 20___.

☐ The Defendant is **further Ordered** to return to this Court no later than _____, 20___ with evidence that the Defendant has completed _____ hours of alcohol- or drug-related (as applicable) community service at _____.

The Department of Public Safety is hereby **Ordered** to: (*select one)*

☐ suspend the Defendant's driver's license for _____ days effective the 11th day after the date of this judgment.

☐ deny the issuance of a driver's license or permit to the Defendant for _____ days effective the 11th day after the date of this judgment.

_____
Judge, Municipal Court Date

(municipal court seal)

City of _____

_____ County, Texas

JUDGMENT: PURCHASE OF ALCOHOL BY MINOR, ATTEMPT TO PURCHASE ALCOHOL BY MINOR, CONSUMPTION BY MINOR, MINOR IN POSSESSION OF ALCOHOL, MISREPRESENTATION OF AGE BY MINOR - GUILTY (Secs. 106.071 and 106.115, A.B.C.) (2 of 2)

☐ The Court finds that the Defendant completed the *alcohol awareness or substance misuse education program* within 90 days as ordered by this Court. It is therefore **Ordered** that the fine ordered to be paid on _____, 20____ is reduced to $_____, which is not less than half of the initial fine assessed.

_____
Judge, Municipal Court Date

(municipal court seal)

City of _____

_____ County, Texas

JUDGMENT: ELECTRONIC TRANSMISSION OF CERTAIN VISUAL MATERIAL DEPICTING MINOR BY 17-YEAR-OLD DEFENDANT - GUILTY (Art. 45.061, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____ COUNTY, TEXAS**

JUDGMENT

On this the ____day of _____, 20___, the Defendant in the above numbered and entitled cause appeared in person, (with a parent or guardian) (presence of parent or guardian waived after diligence used to obtain presence), and entered a plea of (guilty)(no contest)(not guilty) and (waived)(did not waive) a jury trial; and the (Court)(jury), having heard the evidence and arguments, finds the Defendant guilty of the offense of _____.

The Defendant being found guilty and assessed a fine of $_____, it is therefore **Ordered and Adjudged** by the Court that the State of Texas, for the use and benefit of the City of _____, Texas, does have and recover from the Defendant the fine in the amount of $_____, plus any and all costs required to be paid, which as of this date are $_____.

Having made inquiry, the judge determines that the Defendant ☐ **DOES** ☐ **DOES NOT** have sufficient resources or income to immediately pay all or part of the fine and costs.

☐ Having determined that the Defendant **does not** have sufficient resources or income to immediately pay all or part of the fine and costs), it is **hereby Ordered** that *(check one or a combination of the following)*:
- ☐ The Defendant pay the fine and costs by _____, 20_____.
- ☐ The Defendant pay the fine and costs at designated intervals. See attached Installment Agreement Order incorporated as part of this judgment.
- ☐ The Defendant discharge the fine and costs by performing community service. See attached Community Service Order incorporated as part of this judgment.
- ☐ (All) (Part) of the fine and costs in the amount of are waived. See attached Waiver of Payment of Fines and Costs for Certain Defendants and for Children incorporated as part of this judgment.

☐ The Defendant is **hereby Ordered** to pay the fine and costs**:**
- ☐ immediately.
- ☐ by _____, 20_____.
- ☐ at designated intervals. See the attached payment order incorporated as part of this judgment.

☐ **It is further Ordered** that the Defendant attend and successfully complete an educational program described by Section 37.218, Education Code, or an equivalent educational program, designed to address the dangers of students sharing visual material depicting minors engaged in sexual conduct.
The above ordered program shall be completed by _____, 20 _____.

☐ The Court further finds that _____ is the (parent)(guardian) of the Defendant. (*Optional*) **It is therefore Ordered** that _____ attend the above-mentioned alcohol awareness course with the Defendant and present to the Court evidence of completion of the course no later than _____, 20___.

It is further Ordered and Adjudged that in the event the Defendant defaults in the discharge of this judgment and is placed in jail, pursuant to Article 45.048(b) of the Code of Criminal Procedure, the Court specifies that, provided a commitment hearing is first conducted, the Defendant remain in jail a sufficient length of time to satisfy the fine and costs at the following rate:

_____ hours (*not less than 8 or more than 24*) to earn
_____ (*minimum dollar amount $150*) to satisfy the fine and costs.

_____
Judge, Municipal Court Date

(municipal court seal)

City of _____

_____ County, Texas

ORDER OF DRIVER'S LICENSE SUSPENSION FOR FAILURE TO COMPLETE ALCOHOL, DRUG, OR E-CIGARETTE AND TOBACCO AWARENESS PROGRAM AND/OR COMMUNITY SERVICE (Sec. 106.115(d)(1), A.B.C., and Sec. 161.254, H.S.C.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____ COUNTY, TEXAS**

ORDER

On the _____ of _____, 20___, Defendant failed to present to this Court evidence of:

- ☐ attendance at an alcohol awareness program;
- ☐ attendance at a substance misuse education program;
- ☐ completion of the alcohol-related community service;
- ☐ completion of the drug-related community service;
- ☐ completion of an e-cigarette and tobacco awareness program; and/or
- ☐ completion of the e-cigarette and tobacco-related community service;

as ordered in the judgment of the above noted Cause Number. **It is therefore Ordered** that the Department of Public Safety shall (suspend) (deny issuance of) the Defendant's driver's license for _____days. The suspension is ordered to begin on _____, 20___, and end on _____, 20___.

_____
Judge, Municipal Court Date

(municipal court seal)

City of _____

_____ County, Texas

OPTIONAL ORDERS APPLICABLE TO JUVENILES (Art. 45.057, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS.	§	**CITY OF _____**
_____	§	**_____ COUNTY, TEXAS**

ORDER

On this date appeared _____, Defendant in the above-styled and number cause, a child, who, having been found guilty of a fine-only offense, this Court having jurisdiction **ORDERS** the following provisions as indicated:

☐ The Defendant shall no later than _____, 20____:
- ☐ Attend a rehabilitation program;
- ☐ Attend counseling;
- ☐ Attend self-esteem and leadership class;
- ☐ Attend work and job skills training;
- ☐ Attend job interviewing and work preparation training;
- ☐ Attend self-improvement training;
- ☐ Attend parenting class;
- ☐ Attend manners training;
- ☐ Attend violence avoidance training;
- ☐ Get tutoring;
- ☐ Attend parental responsibility training;
- ☐ Attend sensitivity training;
- ☐ Perform community service at _____ for _____ hours;
- ☐ Participate in an advocacy or mentoring program;
- ☐ Other: _____.

The above ordered program(s) shall be completed by _____, 20 _____.

☐ The Court further finds that the Defendant is at risk and orders the parent to attend:
- ☐ Crisis family intervention;
- ☐ Emergency short-term residential care for children 10 years of age or older;
- ☐ Family counseling;
- ☐ Parenting skills training;
- ☐ Youth coping skills training;
- ☐ Advocacy training;
- ☐ Mentoring;
- ☐ A parenting class or parental responsibility program;

The above ordered program(s) shall be completed by _____, 20 _____.

☐ The person required to attend this program submit proof of attendance to the Court.

☐ The parent, managing conservator, or guardian of the child shall pay an amount not greater than $100 for the costs of the program.

☐ The parents, managing conservators, or guardians refrain from conduct that may encourage the child to violate a Court order.

☐ The parents, managing conservators, or guardians attend the child's school classes or functions.

☐ The Defendant is hereby **Ordered** to pay restitution in the amount of $ _____ to the victim in this case. Said restitution to be paid by _____.

☐ The child or the child's parents, managing conservators, or guardians are referred for services under Section 137.152, Human Resources Code. This order applies specifically to the following individuals:
_____.

Dated: _____

_____
Judge, Municipal Court

(municipal court seal)

City of _____

_____ County, Texas

COMMUNITY SERVICE ADDENDUM - JUVENILES (Art. 45.0492, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____ COUNTY, TEXAS**

ORDER

On the _____ of _____, 20___, Defendant was convicted of the offense of _____ and was assessed a fine and costs totaling $_____ as ordered in the judgment of the above styled and numbered cause.

The Court finds that the Defendant is younger than 17 years of age and was assessed a fine and costs for a Class C misdemeanor. Pursuant to Article 45.0492, Code of Criminal Procedure, it is hereby

ORDERED, ADJUDGED, AND DECREED that the Defendant discharge (all of the fine and costs owed) (part of the fine and costs owed) by performing community service as follows:

1. The Defendant shall perform a total of _____ hours *(not to exceed 200 hours)*;

2. The Defendant's community service shall be completed no later than _____, 20___;

3. The Defendant shall perform the community service by (attending a work and job skills training program, a preparatory class for the high school equivalency examination administered under Section 7.111 of the Education Code, an alcohol or drug abuse program, a rehabilitation program, a counseling program, including a self-improvement program, a mentoring program, or any similar activity **OR** for a governmental entity, non-profit organization or another organization that provides services to the general public that enhances the social welfare and general well-being of the community, or an educational institution);

4. The Defendant shall submit to the court documentation verifying the Defendant's completion of the community service by _____, 20___;

and the Court having further found that performing more than 16 hours of community service per week (will)(will not) impose an undue hardship on the Defendant, it is further

ORDERED, ADJUDGED, AND DECREED that the Defendant shall perform no more than _____ hours per week of the above-ordered community service. A defendant is considered to have discharged $_____ of fines or costs for each eight hours of community service. A defendant may discharge this obligation to perform community service by paying at any time the fine and costs assessed.

Dated: _____

_____
Judge, Municipal Court

City of _____

_____ County, Texas

(municipal court seal)

Editor's Note: A defendant is considered to have discharged not less than $100 of fines or costs for each eight hours of community service performed under Article 45.0492 of the Code of Criminal Procedure.

TUTORING OR COMMUNITY SERVICE ADDENDUM - JUVENILES (Art. 45.0492, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS.	§	**CITY OF _____**
_____	§	**_____ COUNTY, TEXAS**

ORDER

On the _____ of _____, 20___, Defendant was convicted of the offense of _____ and was assessed a fine and costs totaling $_____ as ordered in the judgment of the above styled and numbered cause.

The Court finds that the Defendant is younger than 17 years of age and was assessed a fine and costs for a Class C misdemeanor occurring in a building or on the grounds of the primary or secondary school at which the defendant was enrolled at the time of the offense. Pursuant to Article 45.0492, Code of Criminal Procedure, it is hereby

ORDERED, ADJUDGED, AND DECREED that the Defendant discharge (all of the fine and costs owed) (part of the fine and costs owed) by (performing community service) (attending a tutoring program that is satisfactory to the Court) as follows:

1. The Defendant shall perform or attend tutoring a total of _____ hours;

2. The Defendant's community service or tutoring shall be completed no later than _____, 20___;

3. The Defendant shall perform the community service by (attending a work and job skills training program, a preparatory class for the high school equivalency examination administered under Section 7.111 of the Education Code, an alcohol or drug abuse program, a rehabilitation program, a counseling program, including a self-improvement program, a mentoring program, or any similar activity **OR** for a governmental entity, non-profit organization or another organization that provides services to the general public that enhances the social welfare and general well-being of the community, or an educational institution);

and the Court having further found that performing more than 16 hours of community service or attending more than 16 hours of tutoring per week (will)(will not) work a hardship on the Defendant, it is further

ORDERED, ADJUDGED, AND DECREED that the Defendant shall perform community service or attend tutoring no more than _____ hours per week. A defendant is considered to have discharged $_____ of fines or costs for each eight hours of community service. A defendant may discharge this obligation to perform community service or attend a tutoring program by paying at any time the fine and costs assessed.

Dated: _____

_____
Judge, Municipal Court

City of _____

_____ County, Texas

(municipal court seal)

Editor's Note: The Court may require the Defendant to discharge a fine and costs at not less than $100 for every eight hours of community service performed or tutoring attended. Art. 45.0492(g), C.C.P.

JUDGMENT/JAIL CREDIT ADDENDUM (For Persons Age 17 and Older) (Art. 45.058, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____ COUNTY, TEXAS**

On the _____ of _____, 20___, the Defendant was convicted of the offense of _____ and was assessed a fine and costs in the amount of $_____ as ordered in the judgment of the above noted Cause Number. The Defendant was ordered to discharge the fine and costs by _____.
In the event the Defendant defaults in the discharge of the judgment as ordered, pursuant to Article 45.048(b), Code of Criminal Procedure, the Court specifies that, provided a commitment hearing is first conducted, the Defendant remain in jail a sufficient length of time to satisfy the fine and costs at the following rate:

_____ hours (*not less than eight or more than 24*) to earn

_____ (*minimum dollar amount $150*) to satisfy the fine and costs.

This Addendum shall be attached and incorporated as part of the original judgment.

_____
Judge, Municipal Court Date

(municipal court seal)

City of _____

_____ County, Texas

ORDER FOR IMPOUNDMENT OF IN-STATE MOTOR VEHICLE (Secs. 601.191 and 601.261, T.C.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____ COUNTY, TEXAS**

ORDER

TO THE SHERIFF OF _____ COUNTY, TEXAS:

WHEREAS IN THE ABOVE STYLED CAUSE NUMBER, THE COURT FINDS:

1. The named Defendant has been found guilty of operating a motor vehicle in violation of Section 601.191, Transportation Code;
2. The conviction in this cause is a second or subsequent conviction;
3. The Defendant was the owner of the vehicle at the time of the offense; and
4. The Defendant was the owner of the vehicle on the date of the second or subsequent conviction.

THE COURT IS REQUIRED TO ORDER:

Pursuant to Section 601.261, Transportation Code, that the Sheriff of _____ County, Texas take into possession and safekeeping the described motor vehicle, to wit:

Make: _____ Model: _____ Color: _____ Year: _____

License Number: _____ State: _____ VIN: _____

Vehicle Operator: _____

Vehicle Owner: _____

Address of Owner: _____

NOTICE TO VEHICLE OWNER:

Texas law provides:

1. The duration of impoundment is 180 days.
2. The Sheriff may not release the impounded vehicle until:
   a. You apply to the Court for release of the vehicle, provide proof of financial responsibility in compliance with Sections 601.053 and 601.262, Transportation Code, and pay the reimbursement fee for impoundment, which the Court is required to impose against you ($15 per day); or
   b. A lien holder on the vehicle's certificate of title presents the certificate of title and an accompanying affidavit from an officer of the lien holder establishing that the debt secured by the vehicle is in default or matured, pursuant to Section 601.267, Transportation Code.
3. The impoundment of your motor vehicle is in addition to any other punishment imposed under Chapter 601, Transportation Code.
4. You must apply for permission from the Court before transferring title to the impounded vehicle, which the Court shall approve if it finds the transfer is being made in good faith and is not being made to circumvent Chapter 601, Transportation Code.
5. The Court shall order the release of the impounded vehicle if, while the vehicle is impounded, title to the vehicle is transferred by foreclosure, sale on execution, cancellation of a conditional sales contract, or judicial order.

Ordered, signed, and delivered on _____ day of ____, 20___.

_____

Judge, Municipal Court Date

(municipal court seal)

City of _____

_____ County, Texas

ORDER OF RELEASE FOR IMPOUNDED MOTOR VEHICLE (Secs. 601.191, 601.261, and 601.267, T.C.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____ COUNTY, TEXAS**

ORDER

TO THE SHERIFF OF _____ COUNTY, TEXAS:

WHEREAS:

1. The named Defendant was convicted for a second or subsequent violation of Section 601.191, Transportation Code (Failure to Maintain Financial Responsibility); and the Court ordered the Defendant's motor vehicle be impounded pursuant to Section 601.261, Transportation Code;
2. The Defendant has applied to the Court for release of the motor vehicle;
3. The Defendant has provided evidence of financial responsibility to the Court's satisfaction, that covers the two-year period immediately following the date the Defendant applied for release of the impounded vehicle;
4. And the Court, by order, shall permit the Defendant to provide evidence of insurability in increments of a period of not less than six months;

IT IS ORDERED that the below-described motor vehicle be released from impoundment upon payment of the reimbursement fee for the impoundment by the Defendant or a person authorized by the owner.

Make: _____ Model: _____ Color: _____ Year: _____

License Number: _____ State: _____ VIN: _____

Vehicle Operator: _____

Vehicle Owner: _____

Address of Owner: _____

Ordered, signed, and delivered on _____ day of ____, 20___.

_____
Judge, Municipal Court

(municipal court seal)

City of _____

_____ County, Texas

Editor's Note: The 86th Legislature passed a large-scale overhaul of court costs, fines, and fees. Several fees were renamed as "reimbursement fees." (S.B. 346, 86th Legislature (2019)).

ADMONISHMENT FOR EXPUNCTION ON ACQUITTAL (Chapter 55, C.C.P.)

CAUSE NUMBER: _____

IN THE MATTER OF	**§**	**IN THE MUNICIPAL COURT**
_____,	**§**	**CITY OF_____**
DEFENDANT	**§**	**_____ COUNTY, TEXAS**

Offense Date: _____ Acquittal Date: _____

RIGHT TO EXPUNCTION

YOU ARE ADVISED that today a judgment of acquittal has been entered in this proceeding.

You may have the right to expunction of any records and files relating to your arrest for this offense. Generally, expunction orders may be obtained from a district court in this county. Expunction orders that relate to an offense punishable by fine only may be obtained in a justice or municipal court of record in the county in which the petitioner was arrested or the offense was alleged to have occurred. A Petition for Expunction must be filed in the applicable court pursuant to Chapter 55, Code of Criminal Procedure. You should direct any questions you have concerning expunction to an attorney.

_____
Judge, Municipal Court

Editor's Note: Under Article 55.02, Section 1 of the Code of Criminal Procedure, upon acquittal, the trial court shall advise the defendant of the right to expunction.

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT OF RECORD**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**
(Petitioner)		

ORDER OF EXPUNCTION

On this date came to be heard the petition for expunction filed in the above captioned cause. Having considered the pleadings and other documents on file herein, and having provided notice to the State (*if applicable, notice to each official or agency or other governmental entity named in the petition*), **the Court finds** that it has jurisdiction over the cause and the parties; and that all procedural and substantive requirements for expunction of the specified criminal records have been met pursuant to Chapter 55 of the Code of Criminal Procedure. The petitioner is entitled to or eligible for expunction under the following provision:

- ☐ Article 55.01(a)(1)(A) (acquittal by the trial court)
- ☐ Article 55.01(a)(1)(B) (convicted and subsequently pardoned, including on the basis of actual innocence)
- ☐ Article 55.01(a)(1)(C) (convicted of an offense committed before Sept. 1, 2021, under Section 46.02(a), Penal Code, as that section existed before that date)
- ☐ Article 55.01(a)(2) (released, no final conviction, charge no longer pending)
- ☐ Article 55.01(b) (tried, convicted, and acquitted by the Court of Criminal Appeals, court of appeals if applicable; or before the person is tried, expunction is recommended by an office of the attorney representing the State authorized to prosecute the offense for which the person was arrested)
- ☐ Article 45.051(e) (records relating to a complaint dismissed after compliance with an order of deferral of final disposition)

Therefore, it is hereby Ordered, Adjudged, and Decreed that:

(1) the petition for expunction filed in the above-captioned cause is GRANTED, and all records of the petitioner's arrest and conviction, including the records in the Municipal Court of Record of the City of _____, Texas, are to be expunged;

The following information is provided to identify the Defendant:
Full Name:
Sex:
Race:
Date of Birth:
Driver's License Number:
Identification Card Number:
Social Security Number:
Address at the Time of Arrest:

The following information is provided to identify the records pertaining to this cause:
Offense:
Date of Offense:
Date of Arrest:
County Where Arrested:
Municipality Where Arrested:
Arresting Agency:
Case Number:
Court of Offense:
Cause Number:
Date of Conviction:
Tracking Incident Number (TRN) Assigned by DPS:

(2) the respondents listed herein shall return all records and files concerning the above specified arrest to this Court, or if removal is impracticable, obliterate all portions of the record or file that identify the petitioner, including all computer entries, and notify this Court of its action not later than _____, 20____; *(In cases described by Chapter 55, Section 1a, records and files must be returned to the court.)*

(3) the respondents shall delete from their records all index references to the records and files that are subject to this expunction order;

(4) the respondent, the Municipal Court of the City of _____, Texas, shall not permit inspection of the Court records concerning this expunction proceeding by any person other than the petitioner or petitioner's attorney herein, and shall obliterate all public references to this proceeding;

(5) pursuant to Article 55.03, Code of Criminal Procedure, after entry of this Order, the release, maintenance, dissemination, or use of the expunged records and files for any purpose is prohibited; further, the petitioner may deny the occurrence of the expunged arrest and the existence of this expunction order, except that when questioned under oath in a criminal proceeding about an arrest for which the records have been expunged, the petitioner may state only that the matter in question has been expunged;

(6) if the petitioner is entitled to expunction based on the expiration of a period described by Article 55.01(a)(2)(A)(i)(a), (b), or (c), but without the certification of the prosecuting attorney as described by Article 55.01(a)(2)(A)(i)(d), the applicable law enforcement agency, _____, and prosecuting attorney, _____, may retain the arrest records and files of the petitioner;

(7) if the petitioner is entitled to expunction on the basis of an acquittal, the law enforcement agency, _____, and the prosecuting attorney, _____, may retain records and files if (1) the records and files are necessary to conduct a subsequent investigation and prosecution of a person other than the person who is the subject of this Order; or (2) the State establishes that the records and files are necessary for use in another criminal case, including a prosecution, motion to adjudicate or revoke community supervision, parole revocation hearing, mandatory supervision revocation hearing, punishment hearing, or bond hearing; or a civil case, including a civil suit or suit for possession of or access to a child.

(8) the Texas Department of Criminal Justice shall send to the Court the documents delivered to the department under Section 8(a), Article 42.09 of the Code of Criminal Procedure on or before _____, 20____;

(9) the Department of Public Safety shall notify any central federal depository of criminal records by any means of this Order, together with an explanation to the effect of the order and a request that the records in possession of the depository that are subject to this Order, including any information with respect to this Order, be destroyed or returned to the Court on or before _____, 20____;

(10) the Department of Public Safety shall also provide notice to any private entity that is named in this order or that purchases criminal history record information from the department, together with an explanation to the effect of the order and a request that the entity destroy any information in the possession of the entity that is subject to this Order on or before _____, 20____;

(11) the Department of Public Safety and the Texas Department of Criminal Justice shall delete or redact, as appropriate, from their public records and files that are subject to this Order;

(12) all respondents that are state agencies and that sent information concerning the arrest that is the subject of this Order to any central federal depository shall request that the records in possession of the depository be returned to the Court on or before _____, 20____;

(13) *(if expunction is based on acquittal)* This Order shall have a copy of the Judgment of Acquittal attached and such Judgment of Acquittal is hereby incorporated by reference.

(14) the Clerk of the Municipal Court of the City of _____, Texas, shall cause a certified copy of this Order to be delivered by secure electronic mail, electronic transmission, or facsimile transmission or otherwise by certified mail, return receipt requested, to the following respondents subject to this Order (*include any official, agency, or other entity or political subdivision of this state and each private entity there is reason to believe has any record or file subject to this order)*:

(a) _____ Court

Address: _____

(b) Texas Department of Public Safety
Attn: Expunction Unit, TxDPS Crime Records
P.O. Box 4143 Mail Stop (MSC-0234)
Austin, TX 78765-4143

(c) Texas Department of Criminal Justice
Address: _____

(d) Sheriff's Department

Address: _____

(e) _____ Police Department

Address: _____

(f) _____ District/County/City Attorney's Office

Address: _____

(g) _____Community Service Provider

Address: _____

(h) Pretrial Services and/or Juvenile Case Manager

Address: _____

(i) Other: _____

Signed this _____ day of _____, 20___.

(municipal court of record seal)

_____

Judge, Municipal Court of Record

City of _____

_____ County, Texas

Editor's Note: Since 2017, municipal courts of record and justice courts have concurrent jurisdiction with the district courts to expunge fine-only offenses. A person who is eligible for an expunction under the process described in Article 55.02 may file in a municipal court of record or justice court in the county where either the petitioner was arrested or the offense was alleged to have occurred. Article 102.006, C.C.P., authorizes a $100 fee for filing a petition for expunction. Any returned receipts received by the clerk shall be maintained in the file on the proceedings under Chapter 55.

At the request of the defendant, the court shall enter an order of expunction (if entitled to expunction under Article 55.01(a)(1)(A)), not later than the 30th day after the date of the acquittal. For a person entitled to an expunction under Article 55.01(a)(1)(B)(ii), the court shall enter an order of expunction not later than the 30th day after the date the court receives notice of the pardon or other grant of relief. If a petition for expunction is filed under Article 55.01(a)(1)(B)(i), 55.01(a)(2), or 55.01(b), the court shall set a hearing on the matter no sooner than 30 days from the filing and send notice to all entities listed in the petition.

See Chapter 55.02, Section 5, C.C.P., for detailed procedures on destruction by the clerk of files and records subject to expunction.

Non-record municipal courts have no authority to expunge under Chapter 55 of the Code of Criminal Procedure.

ORDER DENYING EXPUNCTION (Chapter 55, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT OF RECORD**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**
(Petitioner)		

ORDER DENYING EXPUNCTION

On this date came to be heard the petition for expunction filed in the above captioned cause. Having considered the pleadings and other documents on file herein, and having provided notice to the State (*if applicable, notice to each official or agency or other governmental entity named in the petition*), **the Court finds** that it has jurisdiction over the cause and the parties; and that all procedural and substantive requirements for expunction of the specified criminal records **HAVE NOT** been met pursuant to Chapter 55 of the Code of Criminal Procedure, specifically _____

_____

_____ The petitioner is **NOT** entitled to or eligible for expunction.

Therefore, the petition for expunction filed in the above-captioned cause is **DENIED**.

Signed this _____ day of _____, 20___.

(municipal court of record seal)

_____

Judge, Municipal Court of Record

City of _____

_____ County, Texas

Editor's Note: Since 2017, municipal courts of record and justice courts have concurrent jurisdiction with the district courts to expunge fine-only offenses. A person who is eligible for an expunction under the process described in Article 55.02 may file in a municipal court of record or justice court in the county where either the petitioner was arrested or the offense was alleged to have occurred.

See Chapter 55, Section 5 of the Code of Criminal Procedure for procedures on destruction by the clerk of files and records subject to expunction. See Article 55.02 for detailed expunction procedures.

Non-record municipal courts have no authority to expunge under Chapter 55 of the Code of Criminal Procedure.

NOTICE OF EXPUNCTION HEARING (Art. 55.02, Sec. 2(c), C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT OF RECORD**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

NOTICE OF HEARING

A petition for expunction has been filed in the above captioned cause. You are receiving this notice because the petition names (you)(your agency) as an official, agency, or other governmental entity that there is reason to believe has records or files that are subject to expunction under Chapter 55 of the Code of Criminal Procedure. A hearing will be held on the petition for expunction at the _____ Municipal Court of Record, located at _____on _____, 20__ at _____ (a.m.)(p.m.).

If the court finds at the hearing that the petitioner is entitled to expunction of any records and files that are the subject of the petition, the court will enter an order directing expunction. Your entity may be represented by the attorney responsible for providing your entity with legal representation in other matters.

Signed this _____ day of _____, 20___.

(municipal court seal)

_____

Judge, Municipal Court

City of _____

_____ County, Texas

Editor's Note: Since 2017, municipal courts of record and justice courts have concurrent jurisdiction with the district courts to expunge fine-only offenses. A person who is eligible for an expunction under the process described in Article 55.02 may file in a municipal court of record or justice court in the county where either the petitioner was arrested or the offense was alleged to have occurred.

Under Article 55.02, section 2(c), C.C.P., the court shall set a hearing on the matter no sooner than thirty days from the filing of the petition and shall give to each official or agency or other governmental entity named in the petition reasonable notice of the hearing.

See Chapter 55, Section 5 of the Code of Criminal Procedure for procedures on destruction by the clerk of files and records subject to expunction. See Article 55.02 for detailed expunction procedures.

Non-record municipal courts have no authority to expunge under Chapter 55 of the Code of Criminal Procedure.

CERTIFICATION OF DESTRUCTION OF RECORDS SUBJECT TO EXPUNCTION ORDER (Art. 55.02, Sec. 5(e), C.C.P.)

CAUSE NUMBER: _____

§	**IN THE MUNICIPAL COURT OF RECORD**
§	**CITY OF _____**
§	**_____COUNTY, TEXAS**

CERTIFICATION OF DESTRUCTION OF RECORDS SUBJECT TO EXPUNCTION

I, _____, Clerk of the _____ Municipal Court of Record, in accordance with Article 55.02, Section 5(e) of the Code of Criminal Procedure, do hereby certify that all case files, records, and documentation received by agencies were destroyed in accordance with Article 55.02, Section 5(d) of the Code of Criminal Procedure.

Date of Destruction: _____

Signed this _____ day of _____, 20___.

(municipal court seal)

_____

Clerk, Municipal Court

City of _____

_____ County, Texas

Editor's Note: Since 2017, municipal courts of record and justice courts have concurrent jurisdiction with the district courts to expunge fine-only offenses. A person who is eligible for an expunction under the process described in Article 55.02 may file in a municipal court of record or justice court in the county where either the petitioner was arrested, or the offense was alleged to have occurred.

See Chapter 55, Section 5 of the Code of Criminal Procedure for procedures on destruction by the clerk of files and records subject to expunction. See Article 55.02 for detailed expunction procedures.

Non-record municipal courts have no authority to expunge under Chapter 55 of the Code of Criminal Procedure.



APPEALS

APPEALS

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CASH APPEAL BOND

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

Whereas, on the _____ day of _____, 20___, in the above styled and numbered cause, a judgment was rendered and entered against the said Defendant, _____, convicting (him)(her) of the fine-only misdemeanor offense of_____

_____

upon complaint filed in said Municipal Court, that the State of Texas does have and recover from the said Defendant the sum of _____ dollars ($_____) in fine and all costs of said prosecution from which judgment the Defendant has appealed to the County Court of _____ County, Texas.

I am hereby depositing with the Municipal Court the sum of _____ dollars $_____ in lieu of sureties, of which sum I am held and bound to the State of Texas to insure my personal appearance before the County Court of _____, County, Texas at the courthouse of said county instanter as well as before any court to which the same may be transferred and for any and all subsequent proceedings that may be had relative to the said charge in the course of criminal actions based on said charge, and there to remain from day to day and term to term of said courts, until discharged by due course of law, then and there to answer said accusation against me, until this obligation shall become void, otherwise to remain in full force and effect.

Now, if the conditions stated above are violated, the sum of the bond shall be forfeited unto the State of Texas for the benefit of _____ County, Texas, and, in addition, I will pay all necessary and reasonable expenses and fees that are incurred by any peace officer in re-arresting me. However, if I fulfill all the terms of this bond, this obligation shall become void and the amount deposited herein shall be refunded to me, otherwise to remain in full force and effect.

_____ _____
Date Defendant's Signature

_____ _____
Telephone Address

_____ _____
Defense Attorney (if any)

The sum of _____ dollars ($_____) was deposited with the Court by (cash)(money order)(cashier's check) and bond filed on the _____ day of _____, 20___.

☐ **Not approved;** bond presented on _____, 20___,
- ☐ is past time allowed by statute. (Art. 45.0426(b), C.C.P.)
- ☐ is incorrect amount.

☐ **Approved** on this ___ day of _____, 20___. _____
Judge, Municipal Court

City of _____

Filed this the _____ day of _____, 20___. _____ County, Texas

Editor's Note: Under Article 45.0425, C.C.P., the amount of an appeal bond may not be less than two times the amount of the fine and costs adjudged against the defendant, payable to the State of Texas. The appeal bond may not in any case be for an amount less than $50.

PERSONAL APPEAL BOND

CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS.	§	**CITY OF _____**
_____	§	**_____COUNTY, TEXAS**

Whereas, on the _____ day of _____, 20___, in the above styled and numbered cause, a judgment was rendered and entered against me, the Defendant, convicting me of the offense of _____ upon complaint filed in said Municipal Court, that the State of Texas does have and recover from me the sum of _____ dollars ($_____) in fine and all costs of said prosecution, from which judgment I have appealed to the County Court of _____ County, Texas.

Now, therefore, I am held and firmly bound unto the State of Texas by and through the City of _____ in the penal sum of _____ dollars ($_____) for the payment of said sum, well and truly to be made, and in addition all necessary and reasonable fees and expenses that may be incurred by peace officers in re-arresting me in the event the conditions of this bond are violated, I do bind myself, my heirs, executors, and administrators, jointly and severally.

I swear that I will appear before the County Court of _____ County, Texas, instanter or upon notice by the Court, or pay to the Court the principal sum of $_____, plus all necessary and reasonable expenses incurred in any arrest for failure to appear.

Now, if I shall well and truly make said appearance before the said Court as well as before any court to which the same may be transferred, and there remain from day to day and term to term of said Court, until discharged by due course of law, then and there to answer said accusation against me, and further shall well and truly make my personal appearance in any and all subsequent proceedings that may be had relative to said charge in the course of the criminal action based on said charge, this obligation shall become void, otherwise to remain in full force and effect.

Address:_____ _____
Telephone:_____ Defendant's Signature
Place of Employment: _____
Telephone:_____
Driver's License Number: _____ State:_____
Date of Birth: _____ Name, Address, and Telephone of Nearest Relative:
Place of Birth:_____ _____
Height: _____ Weight:_____ _____
Color Hair: _____ Eyes:_____ _____

Sworn to and subscribed before me, this _____ day of _____ , 20___.

☐ **Not approved;** bond presented on _____, 20___,
- ☐ is past time allowed by statute. (Art. 45.0426(b), C.C.P.)
- ☐ is incorrect amount.

☐ **Approved** on this ___ day of _____, 20___. _____
Judge, Municipal Court

City of _____

Filed this the _____ day of _____, 20___. _____ County, Texas

CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS.	§	**CITY OF _____**
_____	§	**_____COUNTY, TEXAS**

Whereas, on the _____ day of _____, 20___, in the above styled and numbered cause, a judgment was rendered and entered against the Defendant, _____, convicting (him)(her) of the misdemeanor offense of _____ upon complaint filed in said Municipal Court, that the State of Texas does have and recover of the said Defendant the sum of _____ dollars ($_____) in fine and all costs of said prosecution, from which judgment the Defendant has appealed to the County Court of _____ County, Texas.

Now, therefore, we, the said _____ as Principal, and _____ as Surety (Sureties), are held and firmly bound unto the State of Texas in the penal sum of _____ dollars ($_____).

And in addition thereto, we are bound for the payment of all fees and expenses that may be incurred by peace officers in re-arresting Principal in the event the conditions of this bond are violated. For the payment of which sum, or sums, well and truly to be made, we do bind ourselves, our heirs, executors, and administrators, jointly and severally by these presents.

Conditioned that the above Principal shall well and truly make (his)(her) appearance before the County Court of _____ County, Texas instanter as well as before any court to which the same may be transferred and for any and all subsequent proceedings that may be had relative to said charge in the course of criminal actions based on said charge, and there to remain from day to day and term to term of said courts, until discharged by due course of law, then and there to answer said accusation against (him)(her), until this obligation shall become void, otherwise to remain in full force and effect.

Witness our hands this the _____ day of _____, 20___.

_____ _____

Principal Mailing Address

_____

Telephone Number

_____ _____

Surety Mailing Address

_____

Telephone Number

Editor's Note: Insert additional surety signature blocks as necessary.

THE STATE OF TEXAS
COUNTY OF _____

We, the undersigned, do swear that we are worth, in our own right, at least the sum set opposite our respective names after deducting from our property all that which is exempt by the Constitution and laws of the state from forced sale and after the payment of all our debts of every description, whether individual or security debts, and after satisfying all encumbrances upon our property, which are known to us; that we reside in the County of _____, and have property in this state, liable to execution, worth the said sum or more:

The said _____ the sum of _____ dollars or more

The said _____ the sum of _____ dollars or more

The said _____ the sum of _____ dollars or more

The said _____ the sum of _____ dollars or more

The said _____ the sum of _____ dollars or more

The said _____ the sum of _____ dollars or more

Signatures of Sureties:

_____ _____

_____ _____

_____ _____

Sworn to and subscribed before me this _____ day of _____, 20___.

_____
(Judge) (Clerk) (Sheriff)

☐ **Not approved;** bond presented on _____, 20___,
- ☐ is past time allowed by statute. (Art. 45.0426(b), C.C.P.)
- ☐ is incorrect amount.

☐ **Approved** on this ___ day of _____, 20___.

_____
Judge, Municipal Court

City of _____

Filed this the _____ day of _____, 20___.

_____ County, Texas

CERTIFIED TRANSCRIPT OF PROCEEDINGS (COURT OF NON-RECORD)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

On the _____ day of _____, 20___, the Defendant, _____, in the above styled and numbered criminal case was (tried before Judge _____) (was tried before a jury) (entered a plea of guilty) (entered a plea of nolo contendere), and was convicted of the misdemeanor offense of _____, and adjudged to pay a fine of _____ dollars ($_____) and all costs of prosecution, from which judgment said Defendant has appealed to the County Court of _____ County, Texas.

The following are the proceedings had in said criminal case, to wit:

_____ 1. Citation filed on: _____
_____ 2. Complaint filed on: _____
_____ 3. Magistrate's warning
_____ 4. Appearance bond filed on: _____
_____ 5. Plea form
_____ 6. Copy of letter notifying Defendant of trial setting
_____ 7. State's application for subpoena
_____ 8. Defendant's application for subpoena
_____ 9. Writ summoning venire
_____ 10. Jury waiver
_____ 11. Venire
_____ 12. Jury
_____ 13. Verdict
_____ 14. Certified copy of judgment of conviction
_____ 15. Motion for new trial
_____ 16. Notice of appeal
_____ 17. Appeal Bond filed on: _____
_____ 18. Other:_____
_____
_____
_____

CERTIFICATE

THE STATE OF TEXAS §
COUNTY OF _____ §
§

I, _____ (Municipal Judge)(Court Clerk), City of _____, in said county, hereby certify that the above and foregoing proceedings and documents are a complete and correct record of all the proceedings had before said Court in the cause of the State of Texas vs. _____, Cause Number _____.

Witness my signature this the _____ day of _____, 20___.

_____
(Judge)(Court Clerk), Municipal Court
City of _____
_____County, Texas

CHECKLIST FOR RECORD ON APPEAL (COURT OF RECORD) (See generally Arts. 33.07 and 44.18, C.C.P.)

RECORD OF APPEAL

1. **Upon written request of either party, the clerk shall prepare a certified record that includes copies of:**

   ☐ the complaint;

   ☐ material docket entries made by the Court;

   ☐ the jury charge and the verdict in a jury trial;

   ☐ the judgment;

   ☐ the motion for a new trial;

   ☐ the notice of appeal;

   ☐ written motions and pleas;

   ☐ written orders of the Court; and

   ☐ any bills of exception filed with the Court.

2. **The reporter's record may include:**

   ☐ any portions of the proceedings, if either party requests them;

   ☐ bills of exception;

   ☐ a statement of facts, which may be in the form of:

   - a partial transcription and the agreed statement of facts of the case;
   - a brief statement of the facts of the case proven at trial as agreed to by the parties, if testimony at trial was not recorded; or
   - a transcript of all or part of the proceedings shown by the notes to have occurred before, during, or after the trial, if requested by the Defendant.

INDIGENCE, COMMUNITY SERVICE, PAYMENT PLANS, & JAIL CREDIT

INDIGENCE, COMMUNITY SERVICE, PAYMENT PLANS & JAIL CREDIT

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ADMONISHMENT AS TO FINANCIAL CHANGES

CAUSE NUMBER(S): _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

ALL DEFENDANTS unable to pay the **ALL FINES, FEES, AND COSTS WHEN SENTENCED** are **REQUIRED** to **CAREFULLY READ** and **ACKNOWLEDGE** the following:

TODOS los **DEFENDIENTES** sin capacidad de pagar **TODAS LAS MULTAS, TARIFAS Y COSTOS** despues de la sentencia, **NECESITARAN LEER** completamente y **RECONOCER** lo siguente:

I, the undersigned, acknowledge that until my fines and courts costs are paid in full, I agree to notify the Court of any changes in my personal financial situation that will likely interfere with my ability to pay the fine and court costs in the manner ordered by the Judge.

Yo, el infrascrito, reconozco que hasta que mis las multas, las tarifas, y costos son completamente pagados yo estoy de acuerdo en notificar a este juzgado de cualquier cambio en mi situacion financiera o personal que interfiera con mi capacidad de pagar la multa y costos de corte en la manera ordenada por el Juez.

It is my responsibility to keep the Court informed of my ability to pay the fines, fees, and costs. It is my responsibility to keep the Court informed in the event of financial hardship.

Es mi responsabilidad de informar a este juzgado de mi capacidad de pagar la multa, la tarifa, y los costos de la corte. Es mi responsabilidad de informar a este juzgado en caso de dificultades economicas.

Depending on the situation, I understand that the Judge may be able to offer me other ways to pay or earn credit towards my fine, fees, and costs. For the Judge to consider such circumstances, and to avoid the possibility of being arrested, I am required to provide timely and sufficient proof to the Court.

Dependiendo en la situacion, yo comprendo que el juez podra ofrecerme otras maneras de recivir or ganar credito hacia la multa, la tarifa, y los costos de corte. Para que el juez considere la circumstancia, y para evitar la posibilidad de ser detenido, yo necesito proveer suficientes y oportunas pruebas a este juzgado.

_____
Defendant's Signature/Signatura de Defendiente

_____
Signature by Witness
(Court Clerk, Court Administrator, or Other Court Staff)

This the _____ day of _____, 20___.

CAUSE NUMBER(S): _____

STATE OF TEXAS _____ **IN THE MUNICIPAL COURT**

VS. _____ **CITY OF** _____

_____ _____ _____ **COUNTY, TEXAS**

INITIAL ALL THAT APPLY.

____ The Court has advised me that I am responsible for satisfying the judgment and sentence:

in the amount of $_____ in Cause Number _____;

in the amount of $_____ in Cause Number _____;

in the amount of $_____ in Cause Number _____; and

in the amount of $_____ in Cause Number _____.

____ I assert that I am unable to pay the fine and costs immediately and that the following information is documentation that I have insufficient resources or income to pay today.

____ I request that the Court extend the payment to a later date.

____ I request that the Court grant a time payment plan.

____ I request that I be able to discharge the fine and costs by performing community service, because I have no resources to pay and I am unable to pay the fine and costs.

____ I have been determined to be indigent by the federal government and I am receiving or I am eligible to receive assistance under a federal program. Name of program: _____.

APPLICATION FOR TIME PAYMENT, EXTENSION, COMMUNITY SERVICE, OR WAIVER

Name: _____ Telephone Number: _____

Address: _____

Employer: _____ Job Title: _____

Employer's Address: _____

Salary: $_____ per _____ Employer's Telephone Number: _____

Marital Status (Check One): Married ☐ Single ☐ Divorced ☐ Widowed ☐

Spouse's Name: _____ Spouse's Salary: $_____ per _____

Spouse's Employer: _____ Spouse's Job Title: _____

List the source and amount of any other income you receive: $ _____

_____

_____

List all your dependents, their ages, and their relationship to you: _____

_____

_____

Your residence is (Check One): Rented ☐ Owned ☐ Rent-Free ☐

LIST ALL BANK ACCOUNTS IN YOUR NAME OR FROM WHICH YOU MAY WITHDRAW FUNDS:

Name of Institution Address of Institution Type of Account Account Balance

_____

_____

_____

ESTIMATE YOUR AVERAGE CURRENT MONTHLY EXPENSES FOR YOU AND YOUR FAMILY:

a. Home mortgage payment, rent, or lot rental for trailer: $_____
b. Routine home maintenance: $_____
c. Utilities (electricity, water, gas, telephone): $_____
d. Food and sundries: $_____
e. Clothing: $_____
f. Laundry and cleaning: $_____
g. Newspapers, periodicals, & books, including schoolbooks: $_____
h. Medical, dental, and drug expenses: $_____
i. Insurance (auto, life, medical, homeowners/renters): $_____
j. Transportation, including auto payments: $_____
k. Taxes not deducted from wages or included in mortgage: $_____
l. Alimony or support payments: $_____
m. Religious/charitable contributions: $_____
n. Other expenses (use reverse side if necessary):
_____ $_____
_____ $_____
_____ $_____
_____ $_____

LIST ALL REAL ESTATE OWNED BY YOU AND YOUR SPOUSE:

_____
_____
_____

LIST THE ESTIMATED VALUE FOR ALL PERSONAL PROPERTY OWNED BY YOU OR YOUR SPOUSE:

a. Deposits in financial institutions and cash on hand: $_____

b. Household goods and supplies (use reverse side if necessary):

_____ $_____ _____ $_____ _____ $_____
_____ $_____ _____ $_____ _____ $_____
_____ $_____ _____ $_____ _____ $_____

c. Household furniture and furnishings (use reverse side if necessary):

_____ $_____ _____ $_____ _____ $_____
_____ $_____ _____ $_____ _____ $_____
_____ $_____ _____ $_____ _____ $_____

d. Jewelry (use reverse side if necessary):

_____ $_____ _____ $_____ _____ $_____
_____ $_____ _____ $_____ _____ $_____
_____ $_____ _____ $_____ _____ $_____

e. Sports equipment and musical instruments (use reverse side if necessary):

_____ $_____ _____ $_____ _____ $_____
_____ $_____ _____ $_____ _____ $_____
_____ $_____ _____ $_____ _____ $_____

f. Television, home theater, media, and stereo equipment (use reverse side if necessary):

_____ $_____ _____ $_____ _____ $_____
_____ $_____ _____ $_____ _____ $_____
_____ $_____ _____ $_____ _____ $ _____

g. Household appliances (use reverse side if necessary):

_____ $_____ _____ $_____ _____ $_____
_____ $_____ _____ $_____ _____ $_____
_____ $_____ _____ $_____ _____ $ _____

h. Automobiles, trucks, trailers, boats, and accessories (use reverse side if necessary):

_____ $_____ _____ $_____ _____ $_____
_____ $_____ _____ $_____ _____ $_____
_____ $_____ _____ $_____ _____ $ _____

i. Machinery and tools, lawn and garden equipment (use reverse side if necessary):

_____ $_____ _____ $_____ _____ $_____
_____ $_____ _____ $_____ _____ $_____
_____ $_____ _____ $_____ _____ $_____

j. Office equipment, supplies, furniture, and inventory (use reverse side if necessary):

_____ $_____ _____ $_____ _____ $_____
_____ $_____ _____ $_____ _____ $_____
_____ $_____ _____ $_____ _____ $_____

k. Farming equipment, supplies, livestock, and other animals (use reverse side if necessary):

_____ $_____ _____ $_____ _____ $_____
_____ $_____ _____ $_____ _____ $_____
_____ $_____ _____ $_____ _____ $ _____

l. Any other property not listed above (use reverse side if necessary):

_____ $_____ _____ $_____ _____ $_____
_____ $_____ _____ $_____ _____ $_____
_____ $_____ _____ $_____ _____ $_____

LIST ALL OF YOUR CREDITORS (including credit cards) AND THE AMOUNT YOU OWE EACH (Use reverse side if necessary):

_____ $_____	_____ $_____
_____ $_____	_____ $_____
_____ $_____	_____ $_____
_____ $_____	_____ $_____
_____ $_____	_____ $_____
_____ $_____	_____ $_____

YOUR INITIAL BY EACH OF THE FOLLOWING STATEMENTS INDICATES THAT YOU HAVE READ THE STATEMENT, UNDERSTAND IT, AND AGREE TO IT.

____ I **promise** that I will notify this Court any changes of my address or telephone number within seven (7) days of the change.

____ I understand that I have a continuing obligation to notify the Court of any changes in my financial status that may hinder my ability to satisfy the judgment or help me satisfy the judgment.

____ I **understand** that if I pay any part of the fine, costs, or restitution (if applicable) on or after the 31st day after judgment was entered that I am responsible for paying a $15 time payment reimbursement fee (Article 102.030, Code of Criminal Procedure).

____ I understand that submitting false financial information to the Court constitutes the crime of tampering with a governmental record, punishable by incarceration and/or the imposition of a fine (Section 37.10, Penal Code). I swear that all the information in this application is true, correct, and complete to the best of my knowledge and belief.

Date:_____ Defendant's Signature: _____

Sworn and subscribed before me this day _____ of _____, 20___.

_____
(Judge) (Clerk) (Deputy Clerk)

INSTALLMENT AGREEMENT ORDER

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

ORDER

ON THIS THE _____ day of _____, 20___, _____, the Defendant, having been found guilty by the Court and assessed fines, fees, and costs of $_____ has agreed to pay the fine, fees, and costs at designated intervals. The total amount owed at this time is $_____. However, if any portion of the fines, fees, or costs is paid on or after the date of _____, which is 31 days after the date of judgment, the Defendant shall pay an additional $15 reimbursement fee as required by Article 102.030 of the Code of Criminal Procedure.

IT IS THEREFORE ORDERED that the Defendant make payments as scheduled by this Order. Each payment will be due and payable as scheduled until the full amount is paid to the court. If the Defendant is unable to make a payment, the Defendant should contact the Court immediately. The Defendant is **ORDERED** to notify the Court of any change of address.

Failure to comply with this order will result in a mandatory hearing and may cause the issuance of a capias pro fine. Article 102.011(a)(2) of the Code of Criminal Procedure requires a defendant to pay a $50 warrant reimbursement fee for the execution or processing of an issued capias pro fine.

SCHEDULED PAYMENTS

IT IS HEREBY ORDERED that the Defendant, _____, pay the fine and court costs between the hours of _____.m. and _____.m. on the following dates and in the following amounts until the total fine and costs are paid:

Due Dates of Payments	Amounts Due

SIGNED AND RENDERED on this _____ day of _____, 20___. _____

Judge, Municipal Court

(*municipal court seal)*

City of _____

The Defendant acknowledges the receipt of a copy of this Order and that the Defendant understands the provisions of this Order and has the ability to fully comply with this Order. Further, the Defendant understands his/her responsibility to inform the Court of changes in his/her financial situation that may hinder his/her ability to satisfy either the judgment or any other order of the Court. The Defendant understands that his/her responsibility terminates only upon satisfaction of the judgment. The Defendant understands his/her responsibility to notify the Court of any change of address.

Date: _____ _____

Defendant's Signature

SCHEDULE OF PAYMENTS FOR INSTALLMENT AGREEMENT

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

Cause Number	Date to be Paid	Further Extensions	Date Paid/Receipt Number

_____ _____

Date Defendant's Acknowledgement by Signature

COMMUNITY SERVICE ORDER (Art. 45.049, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

ORDER

ON THIS DATE appeared _____, Defendant in the above styled and numbered cause, who, having been found guilty by the Court and assessed fines and costs totaling $_____ in this cause on the _____ day of _____, 20___, (and the Court having determined that the Defendant has failed to pay such fine and costs) (and the Court having determined that the Defendant has insufficient resources or income to pay such fine and costs), it is hereby

ORDERED, ADJUDGED, AND DECREED that the Defendant discharge (all of the fine and costs owed) (the remaining fine and costs owed) by performing community service as follows:

1. The Defendant shall perform a total of _____ hours;

2. The Defendant's community service shall be completed no later than _____, 20___;

3. The Defendant shall perform the community service:

☐ by attending a work and job skills training program;
☐ by attending a preparatory class for the high school equivalency examination administered under Section 7.111, E.C.;
☐ by attending an alcohol or drug abuse program;
☐ by attending a rehabilitation program;
☐ by attending a counseling program, including a self-improvement program, a mentoring program, or any similar activity;
☐ for a governmental entity, non-profit organization, or another organization that provides services to the general public that enhances the social welfare and general well-being of the community (other organization: _____);
☐ for an educational institution;

4. The Defendant shall submit to the court documentation verifying the Defendant's completion of the community service by _____, 20___;

and the Court having further found that performing more than 16 hours of community service per week (will)(will not) impose an undue hardship on the Defendant, it is further

ORDERED, ADJUDGED, AND DECREED that the Defendant shall perform no more than _____ hours per week in discharging the above-ordered community service. A defendant is considered to have discharged $_____ of fines or costs for each eight hours of community service. A defendant may discharge this obligation to perform community service by paying at any time the fine and costs assessed.

Dated: _____

_____
Judge, Municipal Court

City of _____

(municipal court seal)

_____ County, Texas

Editor's Note: The judge may require the Defendant to discharge a fine and costs at not less than a minimum of $100 for every eight hours of community service performed. Art. 45.049(e), C.C.P.

For community service orders on children under Article 45.0492 of the Code of Criminal Procedure, see the Judgments & Orders chapter.

COMMUNITY SERVICE TIME SHEET

_____ Municipal Court
Address: _____
_____, Texas _____
Telephone: _____
Fax: _____

COMMUNITY SERVICE TIME SHEET

This documentation must be submitted to the court by _____, 20___.

Community Service Provider:_____ Telephone:_____ Date Assigned: _____
Name of Defendant Performing Community Service: _____ DOB: _____
Total Hours Assigned: _____ To be completed by: _____
Complete _____ hours by _____; and then _____ hours by _____
Cause number(s): _____

Date	Time In	Time Out	Total Hours	Subtotal Hours	Supervisor Initials	Defendant's Initials

Community Service Rules

While performing community service, I will:

- Contact the provider I choose to arrange community service as soon as possible;
- Arrive on time;
- Obey the site supervisor;
- Not leave the site without permission;
- Not carry any sort of weapon;
- Not use abusive language;
- Not deliberately destroy or deface any tools or property;
- Never accept any tips or cash from anyone in association with my community service;
- Wear appropriate clothing;
- Apply for authorization for extension of time if needed;
- Contact the Municipal Court with any questions.

I certify that the above record is a true representation of the number of hours performed for the above period by _____.

Approved by: _____
Community Service Provider Representative

_____
Signature of Defendant Performing Community Service

WARNING: Filing false information with the Court is a Class A misdemeanor punishable by up to one year in jail and a maximum fine up to $4,000. Sec. 37.10, P.C.

ORDER DECLINING HEARING ON RECONSIDERATION OF SATISFACTION OF FINE OR COSTS (Art. 45.0445(d), C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

ORDER DECLINING HEARING ON RECONSIDERATION OF FINE OR COSTS

On this date came to be heard the request for a hearing pursuant to Art. 45.0445, C.C.P., regarding whether the fines and costs assessed in the above judgment of conviction imposes an undue hardship on the defendant. The Court finds that a hearing is not necessary in that:

☐ The Court previously held a hearing under Article 45.0445, Code of Criminal Procedure, with respect to the case and is able to determine without holding a hearing that the portion of the judgment regarding the fine and costs does not impose an undue hardship on the defendant.

OR

☐ The Court is able to determine without holding a hearing that: (A) the judgment imposes an undue hardship on the defendant; and (B) the fine and costs should be satisfied through one or more methods listed under Article 45.041(a-1) Code of Criminal Procedure.

Signed this _____ day of _____, 20___.

(municipal court of record seal)

_____
Judge

City of _____

_____ County, Texas

Editor's Note: If a defendant notifies the court that the defendant has difficulty paying the fine and costs in compliance with the judgment, the court shall hold a hearing to determine whether that portion of the judgment imposes an undue hardship on the defendant. (Art. 45.0445(a), C.C.P.)

WAIVER OF PAYMENT OF FINES AND/OR COSTS FOR CERTAIN DEFENDANTS AND FOR CHILDREN (Art. 45.0491, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

ORDER

On the _____ day of _____, 20___, came to be heard Cause Number _____ wherein _____, hereinafter called Defendant, was convicted of a misdemeanor offense to wit:_____ on the _____ day of _____, 20___ and ordered to pay the fine in the amount of $_____ (, of which $_____ has not been satisfied).

After due inquiry and consideration of the facts and circumstances regarding the Defendant's ability to satisfy the aforementioned judgment, the Court determines as follows:

With regard to **fines**, the Defendant:

- ☐ **Is indigent or does not have sufficient resources or income to pay all or part of the fine or costs; OR**
- ☐ **Was, at the time the offense was committed, a child as defined by Article 45.058, Code of Criminal Procedure.**
- ☐ **AND discharging the fine or costs under Article 45.049 of the Code of Criminal Procedure or as otherwise authorized by Chapter 45, would impose an undue hardship on the Defendant.**

With regard to **costs**, the Defendant:

- ☐ **Is indigent or does not have sufficient resources or income to pay all or part of the fine or costs; or**
- ☐ **Was, at the time the offense was committed, a child as defined by Article 45.058, Code of Criminal Procedure.**

Accordingly, pursuant to Article 45.0491, Code of Criminal Procedure, the Court waives the (stated) (remaining) fine and costs for Defendant.

ORDERED, ADJUDGED, AND DECREED.

Entered this _____ day of _____, 20___.

(municipal court seal)

_____
Judge, Municipal Court

City of _____

_____County, Texas

Editor's Note: Judges have the discretion to waive all or part of the fines imposed on defendants who (1) are indigent or do not have sufficient resources or income to pay all or part of the fine or (2) were children at the time the offense was committed, if discharging the judgment through alternative means would be an undue hardship, regardless whether the defendant has defaulted in discharging the judgment. Article 45.0491 includes a list of factors a court may consider in an undue hardship determination. Finally, the bill moved the requirements for waiver of costs to subsection (d), which largely tracks the requirements for waiver of fines but does not require a determination of "undue hardship."

Generally, a defendant is presumed to be indigent or to not have sufficient resources or income to pay all or part of the fine or costs if the defendant is in the conservatorship of the Department of Family and Protective Services (or was at the time of the offense) or is designated as a homeless child or youth or an unaccompanied youth, as those terms are defined by 42 U.S.C. Section 11434a (or was at the time of the offense).

FINDING OF INDIGENCE FOR PURPOSES OF SEC. 706.006, T.C. (OMNIBASE REIMBURSEMENT FEE)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

FINDING

On the _____ day of _____, 20___, came to be heard Cause Number _____ wherein _____, hereinafter called Defendant, was convicted of a misdemeanor offense to wit:_____ on the _____ day of _____, 20___ and ordered to pay the fine and costs in the amount of $_____ , of which $_____ has not been satisfied.

The Court, having heard the evidence presented by the Defendant, and having reviewed all documentation provided, **FINDS** the defendant indigent. Pursuant to Section 706.006(d) of the Transportation Code, the Defendant may not be required to pay an reimbursement fee under Section 706.006.

_____
Judge, Municipal Court Date

(municipal court seal)

City of _____

_____County, Texas

Editor's Note: For purposes of Section 706.006(d) of the Transportation Code, a person is presumed to be indigent if the person: (1) is required to attend school full time under Section 25.085 of the Education Code; (2) is a member of a household with a total annual income that is below 125 percent of the applicable income level established by the federal poverty guidelines; or (3) receives assistance from: (A) the financial assistance program established under Chapter 31 of the Human Resources Code; (B) the medical assistance program under Chapter 32 of the Human Resources Code; (C) the supplemental nutrition assistance program established under Chapter 33 of the Human Resources Code; (D) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786; or (E) the child health plan program under Chapter 62 of the Health and Safety Code.

JAIL CREDIT RESPONSE LETTER

Name
Address
City and State

Date

Dear Sir or Madam:

The Court has received your letter requesting jail credit.

According to the Court's records, your request for jail credit is for the following cause number(s):
_____.

To consider your request, the Court requires the following:

1. A plea of either guilty or nolo contendere (no contest) in the cause(s) for which you are seeking jail credit.

2. OFFICIAL DOCUMENTATION stating:
   - The offense for which you are or were incarcerated;
   - The specific name of the facility and location where you are or were incarcerated;
   - When you began your incarceration; and
   - The date your incarceration is scheduled to end or did end.

In response to your request:

☐ **AT THIS TIME, YOUR REQUEST CANNOT BE CONSIDERED**, for the following reason:

- ☐ The Court has not received a plea of guilty or nolo contendere (no contest) in the cause(s) for which you are seeking jail credit. Please submit the enclosed form entitled *Plea Form: By Mail or Delivery to the Court*. Upon receipt of the form, your request shall be considered.

- ☐ The Court has not received OFFICAL DOCUMENTATION (described above).

☐ **The court finds that you are entitled to jail credit and GRANTS your request for the following reason:**

- ☐ Pursuant to Article 42.03 of the Code of Criminal Procedure, you spent time in jail for this case prior to sentence by this court.
- ☐ Pursuant to Article 45.041(c-1) of the Code of Criminal Procedure, you spent time in jail or prison while serving a sentence for another offense, the time was served after the commission of the offense now before the court and prior to sentencing. The credit will be indicated on the judgment for the charge now before this court.
- ☐ Pursuant to Article 45.048 of the Code of Criminal Procedure, you were placed in jail on account of failure to pay the fines and costs in the case before this court.

☐ **The court finds that your request calls for discretionary jail credit that you are not entitled to. Your request for discretionary jail credit is:**

- ☐ GRANTED in the following amount: _____ (not less than $150 per day or period of time (8-24 hours))
- ☐ DENIED

_____
Municipal Judge

City of _____

DEFENDANT'S MOTION TO LAY OUT FINE IN JAIL

CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS.	§	**CITY OF _____**
_____	§	**_____COUNTY, TEXAS**

DEFENDANT'S MOTION TO LAY OUT FINE IN JAIL

On the _____ day of _____, 20____, I was found guilty of the offense of _____ and was assessed a fine and court costs totaling $_____ dollars, of which $_____ is unpaid.

I understand that I may ask the Court to grant me an extension of time to pay, a payment plan, or community service to discharge the fine and costs for all or part of the fine and costs. **I DO NOT WANT an extension to pay, I DO NOT WANT a payment plan, and I DO NOT WANT to perform community service to discharge the fine and costs. I REFUSE TO PAY THE FINE AND COSTS ORDERED BY THE COURT.**

I understand that I may ask the Court to consider my financial situation to decide if I am indigent. If the Court finds me indigent, I cannot be jailed to pay the fine and costs. **I DO NOT claim that I am indigent. I DO NOT WANT a hearing on whether I am indigent.**

I was 17 years old or older when I committed the offense. I am of sound mind. **I request the Court to order me to jail immediately.** If my request is granted, I will be given jail credit at not less than 8 hours or more than 24 hours as the period I must remain in jail to satisfy not less than a minimum of $150 of the fines and costs. **I understand that the Judge will determine the rate at which I earn jail credit.**

The Court has not encouraged me to make this motion. I understand that I have been convicted of an offense punishable by the imposition of a monetary fine, not by a term of incarceration. My request to discharge the fine and costs through commitment to jail has not been influenced by the Court or any individual, other than myself. This motion is made **freely and voluntarily**.

I have read this entire motion, I understand it, and I agree to sign it and present it to the Judge. I want the Judge to grant this motion and order me to jail.

_____ _____
Date Defendant's Signature

Printed name and address:

_____
_____

Telephone number(s): _____

☐ Motion granted ☐ Motion denied

_____ _____
Date Judge, Municipal Court

(municipal court seal) City of _____

. . . . . .

COMMITMENT

On this the ___ day of _____, 20____, the Court considered the foregoing Defendant's Motion to Lay Out Fine in Jail. **THE COURT FINDS** that the motion was made freely and knowingly and the Court determines that the request should be granted.

It is therefore **ORDERED** that the Defendant, _____, is committed to the custody of the [(Chief of Police)(City Marshal) of the City of _____] (Sheriff of _____ County), Texas until such time as Defendant's fine and costs have been discharged as provided by law and that this Motion and Commitment be kept with the papers of this cause.

Unless otherwise specified in the judgment or sentence in said cause, pursuant to Article 45.048(b), Code of Criminal Procedure, the Court specifies that the Defendant remain in jail a sufficient length of time to satisfy the fine and costs at the following rate:

_____ hours (*not less than 8 or more than 24*) to earn

_____ (*minimum dollar amount $150*) until such time as Defendant's fine and costs have been discharged.

It is **ORDERED** that this Motion and Commitment be kept with the papers of this cause.

ENTERED this _____ day of _____, 20___. _____
Judge, Municipal Court

City of _____

(municipal court seal)

_____County, Texas

Editor's Note: Courts are strongly urged to be aware that there are inherent dangers to letting defendants lay out their fine in jail and should be mindful of possible legal consequences as well as better alternatives to this practice.

DEFENDANT'S REFUSAL TO DISCHARGE FINE OR COSTS BY PERFORMING COMMUNITY SERVICE (Art. 45.049, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS.	§	**CITY OF _____**
_____	§	**_____COUNTY, TEXAS**

DEFENDANT'S REFUSAL TO DISCHARGE FINE OR COSTS BY PERFORMING COMMUNITY SERVICE

On the _____ day of _____, 20____, I was found guilty of the offense of _____ and was assessed a fine and court costs totaling $_____ dollars, of which $_____ is unpaid.

(check one):

☐ I failed to pay the fine and/or costs stated above.

☐ I have been determined by the court to have insufficient resources or income to pay the fine and/or costs stated above.

I understand that the judge is permitted to require me to discharge all or part of the fine or costs by performing community service.

I CAN discharge the fine or costs without experiencing any undue hardship.

AND

I DO NOT WANT to discharge any or all of said fine and/or costs by performing community service.

I was 17 years old or older when I committed the offense. I am of sound mind. The court has not encouraged me to refuse to discharge all or part of said fine and/or costs by performing community service.

I WANT to discharge the fine and costs by: _____

_____

I have read this entire refusal, I understand it, and I agree to sign it and present it to the Judge. I want the Judge to acknowledge my refusal and grant my request to discharge the fine and costs as I stated above.

_____ _____

Date Defendant's Signature

Printed name and address: _____

_____

Telephone number(s): _____

☐ Refusal Acknowledged

_____ _____

Date Judge, Municipal Court

(municipal court seal) City of _____

ENFORCEMENT



ENFORCEMENT

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CHRONOLOGICALLY DISTINGUISHING THE WARRANT, CAPIAS, AND CAPIAS PRO FINE IN THE TEXAS CODE OF CRIMINAL PROCEDURE

Purpose	Prior to Formal Charging	After Formal Charging but Prior to Judgment	After Judgment and Sentence
Bond Forfeiture or Surrender of Principal	"Arrest Warrant" by *Magistrate* – Article 17.19	"Chapter 23 Capias" by *Trial Court*	
To Procure Custody	"Arrest Warrant" upon oath or affirmation & determination of probable cause by *Magistrate* – Specific Provision: Article 45.014 "Arrest Warrant" by *Municipal Court or Justice Court*	"Chapter 23 Capias" by *Trial Court* – Specific Provision: Article 45.014 "Arrest Warrant" by *Municipal Court or Justice Court*	"Chapter 43 Capias" by *Trial Court* – Article 43.015(1) – Article 43.04
To Enforce Judgment for Unpaid Fines and/or Costs			"Capias Pro Fine" by *Trial Court* ❖ General Provisions – Article 43.015(2) – Article 43.021 – Article 43.05 – Article 43.06 – Article 43.07 ❖ Specific Procedures in Chapter 45 Courts – Article 45.045 – Article 45.046 ❖ Specific Procedures in Other Trial Courts – Article 43.03

CLERK'S AFFIDAVIT FOR CAPIAS PRO FINE

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

I, _____, being duly sworn, upon oath, state that I have good reason to believe and do believe that on or about the _____ day of _____, 20__, _____, Defendant, defaulted in payment of a fine and court costs. My belief is based upon the following:

I am the Municipal Court Clerk and custodian of records for the _____ Municipal Court, City of _____, _____, County, Texas. On _____ _____, 20___, I personally examined the official records of this Municipal Court. The records indicate that the Defendant in the above styled and numbered cause was charged with the offense of: _____ and was found guilty of the offense on the _____ day of _____, 20___. The records indicate that the Defendant was ordered to make (a payment) (certain prescribed payments) on the fine and costs imposed in the above mentioned case on the following date(s):_____ ____.

The records indicate that the Defendant did not appear on the _____ day of _____, 20__ to make a payment or to request an extension as ordered by the Court. The records show that said Defendant owes _____ dollars ($_____) in fine and court costs to satisfy the judgment.

I sent notice to the Defendant as required by Article 45.045 of the Code of Criminal Procedure on the _____ day of _____, 20__. The records indicate that the court held a hearing as required by Article 45.045 of the Code of Criminal Procedure on the _____ day of _____, 20__ at _____ o'clock ___.m. at the _____Municipal Court. The records show that:

☐ the Defendant failed to appear at the hearing.
OR
☐ based on evidence presented at the hearing, the court determined that the capias pro fine should be issued.

_____
Affiant

Sworn to and subscribed before me on _____ day of _____, 20__.

_____
(Judge) (Clerk) (Deputy Clerk)

City of _____

_____ County, Texas

Editor's Note: Before a court may issue a capias pro fine for the defendant's failure to satisfy the judgment according to its terms: (1) the court must provide notice that includes a statement that the defendant has failed to satisfy the judgment according to its terms; and a date and time when the court will hold a hearing on the defendant's ability to satisfy the judgment according to its terms; and (2) either the defendant fails to appear at the hearing; or based on evidence presented at the hearing, the court determines that the capias pro fine should be issued.

If the defendant failed to bring appropriate documentation to the hearing, that could be noted in the affidavit as well.

SHOW CAUSE NOTICE PRIOR TO ISSUANCE OF CAPIAS PRO FINE (Art. 45.045, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

SHOW CAUSE NOTICE

The official Court record shows that you have failed to satisfy the judgment rendered against you on _____, 20__ according to its terms. The court will hold a hearing on your ability to satisfy the terms of the judgment on the _____ day of _____, 20__ at _____ o'clock ___.m. at the _____ Municipal Court, located at _____.

The hearing scheduled on the date and time above is your opportunity to explain why all the terms of the judgment have not been completed on time.

If the reason for failure to satisfy the judgment is because you cannot pay, bring any documents with you to the hearing that you believe will help the judge determine whether the judgment imposes an undue hardship, including pay stubs, bills, letters regarding government assistance, and similar documents. It is **your obligation** to provide enough information for the Judge to be able to fully understand your financial situation.

If the judge determines that the judgment imposes an undue hardship, alternatives to full payment of the fine and costs are available, such as installment payments and community service. The judge shall determine whether the fine and costs should be satisfied through one or more methods listed under Article 45.041(a-1)

Failure to appear on this date and time may result in the issuance of a capias pro fine and commitment to jail to discharge the judgment under Article 45.046 of the Code of Criminal Procedure. Additional fees by law may result.

If you are unable to appear at the hearing, contact the court immediately. You can reach the court by calling _____.

Signed on this _____ day of _____, 20___.

(municipal court seal)

_____
Judge, Municipal Court

City of _____

_____ County, Texas

Editor's Note: Under Article 45.045(a-2), C.C.P., a court may not issue a capias pro fine for the defendant's failure to satisfy the judgment according to its terms unless the court holds a hearing to determine whether the judgment imposes an undue hardship on the defendant, and the defendant fails to: (1) appear at the hearing; or (2) comply with an order issued under Subsection (a-3) as a result of the hearing.

CAPIAS PRO FINE (Art. 43.05 and Art. 45.045, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

TO THE CHIEF OF POLICE OF THE CITY OF _____ OR ANY PEACE OFFICER OF THE STATE OF TEXAS – GREETINGS:

Whereas on the _____ day of _____, 20__, before Judge _____ of the Municipal Court of the City of _____, Texas, _____, the Defendant, date of birth _____, was convicted of the offense of: _____ and a judgment was rendered by said Court in favor of the State, against said Defendant for the sum of $_____ and all costs of court; and there is due and unpaid the amount of $_____.

Pursuant to Article 45.045 of the Code of Criminal Procedure, the Court sent notice to the Defendant on the _____ day of _____, 20__and held a hearing at _____ o'clock ___.m., on the _____ day of _____, 20__.

At the hearing, the judge determined that the Defendant failed to:

☐ appear at the hearing.

OR

☐ comply with an order issued under Subsection (a-4) as a result of the hearing.

Therefore, the Court hereby finds that said Defendant has defaulted and failed to wholly satisfy the judgment in the above styled case.

You are therefore COMMANDED to bring said Defendant before the Municipal Court of the City of _____, Texas immediately *[or before a municipal court located in the same municipality if this Court is unavailable]* or place him or her in jail until (he)(she) can be brought before the Court without delay until the next business day following the date of the Defendant's arrest if the Defendant cannot be brought before the Court immediately.

The arresting officer is ORDERED to notify the Court **IMMEDIATELY** upon arrest of the Defendant. If the Defendant is placed in jail, **jail personnel are ORDERED** to notify the Court **IMMEDIATELY** upon placement of the Defendant in jail.

In witness whereof, I have hereunto set my hand at my office in the Municipal Court of the City of _____, Texas this _____ day of _____, 20__.

_____
Judge, Municipal Court

(municipal court seal)

.....

OFFICER'S RETURN

Came to hand the _____ day of _____, 20__, at _____ o'clock ___.m. and executed on the _____ day of _____, 20__, at _____ o'clock ___.m. the same by arresting _____, the named Defendant.

Notice was provided to the Court on the _____ day of _____, 20__,
at _____ o'clock ___.m.

_____
Arresting Officer

Editor's Note: The importance of the communication by the arresting officer and/or the jail to the court that issued the capias pro fine cannot be overstated. A capias pro fine is not commitment, which requires specific procedural safeguards under the U.S. Constitution and Art. 45.046, C.C.P. A court may not issue a capias pro fine for the defendant's failure to satisfy the judgment according to its terms unless the court holds a hearing to determine whether the judgment imposes an undue hardship on the defendant, and the defendant fails to: (1) appear at the hearing; or (2) comply with an order issued under Subsection (a-3) as a result of the hearing.

ORDER OF COMMITMENT (Art. 45.046, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

TO ANY PEACE OFFICER OF THE STATE OF TEXAS – GREETINGS:

You are commanded to take into custody and commit to the jail of your County(Municipality) the above-named Defendant, who was, on the _____, day of _____, 20___, convicted before the Municipal Court in the City of _____, _____ County, Texas of the offense of _____ and was assessed a fine and court costs totaling $ _____, of which $ _____ is unpaid.

The undersigned finds that **EITHER** *(check the applicable one)***:**

☐ (1) the arrestee is the same person as the Defendant in the cause described above;
(2) the Defendant has intentionally failed to make a good faith effort to pay said fine and costs; and
(3) the Defendant is not indigent and has failed to make a good faith effort to discharge said fine and costs;

OR

☐ (1) the arrestee is the same person as the Defendant in the cause described above;
(2) the Defendant has intentionally failed to make a good faith effort to pay said fine and costs; and
(3) the Defendant is indigent and:
(a) has failed to make a good faith effort to discharge the fine and costs under Article 45.049, Code of Criminal Procedure, (community service);
(b) could have discharged the fine under Article 45.049, Code of Criminal Procedure, (community service) without experiencing any undue hardship.

Therefore, you are commanded to keep the Defendant in custody until the sum of $ _____ is fully paid or the Defendant is otherwise discharged by law. Unless otherwise specified in the judgment or sentence in said cause, pursuant to Article 45.048(b), Code of Criminal Procedure, the Court specifies that the Defendant remain in jail a sufficient length of time to satisfy the remaining fine and costs at the following rate:

_____ hours (*not less than 8 or more than 24*) to earn
_____ (*minimum dollar amount $150*) to satisfy the fine and costs.

In the event the Defendant is committed for defaulting in more than one judgment, jail credit is to be assessed:

☐ Concurrently (at the same time, per judgment until jail credit exceeds or equals the sum total of fine and costs); or

☐ Consecutively ("stacked," one sentence of confinement is to follow another until jail credit exceeds or equals the sum total of fine and costs) with following cause(s): *List cause number(s), Court(s), date of judgment(s), offense(s), and fine and costs total(s)*

Ordered on this _____ day of _____, 20___.

(municipal court seal)

_____
Judge, Municipal Court
City of _____
_____ County, Texas

SHOW CAUSE NOTICE: ADULT DEFENDANT CONTEMPT (Sec. 21.002(c), G.C.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

ORDER TO SHOW CAUSE

Name: _____ Offense: _____

Address: _____

You are hereby ordered to appear before the _____ Municipal Court at _____ o'clock ___.m., on the _____ day of _____, 20__, to show cause why you failed to abide by the terms of the judgment rendered against you on the _____, 20__. Specifically, you are accused of failing to:

_____

_____

_____

_____.

Failure to appear on this date and time will result in a finding of contempt being made against you, the Court imposing a fine of up to $100 and/or a sentence of up to three (3) days in jail, and the issuance of a warrant to enforce the judgment of contempt.

_____
Judge, Municipal Court

City of _____

_____ County, Texas

(municipal court seal)

SHOW CAUSE NOTICE: ADULT CONTEMPT (Not a Defendant) (Sec. 21.002(c), G.C.)

CAUSE NUMBER: _____

IN THE MATTER OF	**§**	**IN THE MUNICIPAL COURT**
_____	**§**	**CITY OF _____**
(Contemnor)	**§**	**_____COUNTY, TEXAS**

ORDER TO SHOW CAUSE

You are hereby ordered to appear before the _____ Municipal Court at _____ o'clock ___.m., on the _____ day of _____, 20__, to show cause why you failed to abide by an order of the Court imposed on you on _____, 20__. Specifically, you are accused of failing to:

_____

_____

_____

_____.

Failure to appear on this date and time will result in a finding of contempt being made against you, the Court imposing a fine of up to $100 and/or a sentence of up to three (3) days in jail, and the issuance of a warrant to enforce the judgment of contempt.

_____
Judge, Municipal Court

City of _____

_____ County, Texas

(municipal court seal)

SHOW CAUSE NOTICE: JUROR CONTEMPT (Art. 45.027(c), C.C.P.)

CAUSE NUMBER: _____

IN THE MATTER OF	**§**	**IN THE MUNICIPAL COURT**
_____	**§**	**CITY OF _____**
(Contemnor)	**§**	**_____COUNTY, TEXAS**

ORDER TO SHOW CAUSE

You are hereby ordered to appear before the _____ Municipal Court at _____ o'clock ___.m., on the _____ day of _____, 20__, to show cause why you failed to appear for jury service in Cause Number _____ when summoned by the Municipal Court of the City of _____, Texas, which said conduct did then and there constitute civil contempt of Court.

Failure to appear on this date and time will result in a finding of contempt being made against you, the Court imposing a fine of up to $100, and the issuance of a warrant to enforce the judgment of contempt.

_____
Judge, Municipal Court

City of _____

_____ County, Texas

(municipal court seal)

SHOW CAUSE NOTICE: PEACE OFFICER CONTEMPT (Art. 2.16, C.C.P.)

CAUSE NUMBER: _____

IN THE MATTER OF	**§**	**IN THE MUNICIPAL COURT**
_____	**§**	**CITY OF _____**
(Contemnor)	**§**	**_____COUNTY, TEXAS**

ORDER TO SHOW CAUSE

You are hereby ordered to appear before the _____ Municipal Court at _____ o'clock ___.m., on the _____ day of _____, 20__, to show cause why you willfully refused or failed from neglect to execute the below described summons, subpoena, attachment, or other legal process when so ordered by this Court, which said conduct did then and there constitute civil contempt of Court.

Failure to appear on this date and time will result in a finding of contempt being made against you, the Court imposing a fine of not less than $10 nor more than $200.

_____
Judge, Municipal Court

City of_____

_____ County, Texas

(municipal court seal)

SHOW CAUSE NOTICE: WITNESS CONTEMPT (Art. 24.05, C.C.P.)

CAUSE NUMBER: _____

IN THE MATTER OF	**§**	**IN THE MUNICIPAL COURT**
_____	**§**	**CITY OF _____**
(Contemnor)	**§**	**_____COUNTY, TEXAS**

ORDER TO SHOW CAUSE

You are hereby ordered to appear before the _____ Municipal Court at _____ o'clock ___.m., on the _____ day of _____, 20__, to show cause why you failed to appear in this Court on _____, 20____, to testify in Cause Number _____ pursuant to a witness subpoena issued to you, which said conduct did then and there constitute civil contempt of Court.

Failure to appear on this date and time will result in a finding of contempt being made against you, the Court imposing a fine of up to $100.

_____
Judge, Municipal Court

City of_____

_____ County, Texas

(municipal court seal)

CAUSE NUMBER: _____

IN THE MATTER OF	**§**	**IN THE MUNICIPAL COURT**
_____	**§**	**CITY OF _____**
(Contemnor)	**§**	**_____COUNTY, TEXAS**

CONTEMPT OF COURT—PLEA FORM

I was informed of the accusation against me and my rights, including my right to have a hearing and the right to hire an attorney to represent me in this matter or to request an attorney represent me if I cannot afford one. I understand that a plea of true will result in me being found in contempt and the possibility of being sentenced up to three days in the county jail and/or fined up to one hundred dollars ($100).

I fully understand the proceedings against me and my rights outlined above and voluntarily enter a plea of (true)(not true) to the accusation of contempt of Court.

☐ I waive the right to a hearing before the Court.

☐ I waive my right to have an attorney represent me in a hearing before the Court.

_____ _____

Date Contemnor's Signature

JUDGMENT OF DIRECT CONTEMPT: ADULT (Secs. 21.001 and 21.002(c), G.C.)

CAUSE NUMBER: _____

IN THE MATTER OF	**§**	**IN THE MUNICIPAL COURT**
_____	**§**	**CITY OF _____**
(Contemnor)	**§**	**_____COUNTY, TEXAS**

JUDGMENT OF CONTEMPT

On this the _____ day of _____, 20___, the Court has exercised its inherent authority and the authority granted by Section 21.002, Government Code, (to require the proceedings be conducted with dignity and in an orderly and expeditious manner)(to compel obedience of Court orders)(to so control the proceedings that justice is done).

The Court finds _____ in direct contempt of Court for *(describe conduct)*:

_____

_____

_____

_____,

which occurred before this Court. The Court further finds that the above described actions were in contempt of court and that the conduct presented sufficient exigent circumstances as to merit a summary finding of contempt in that the actions of the contemnor disrupted proceedings before the court so that they could not be conducted with dignity and in an orderly and expeditious manner. The Court further finds that imposition of contempt is necessary to control the proceedings so that justice may be done. The Court further finds that the contemnor is not an officer of the Court.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that _____ is in direct contempt of court and shall be:

☐ Confined in _____ County Jail for a period of _____ (not to exceed three days).

☐ Fined the sum of $_____ (not to exceed $100).

_____
Judge, Municipal Court

City of_____

_____ County, Texas

(municipal court seal)

JUDGMENT OF INDIRECT CONTEMPT: ADULT (Secs. 21.001 and 21.002(c), G.C.)

CAUSE NUMBER: _____

IN THE MATTER OF	**§**	**IN THE MUNICIPAL COURT**
_____	**§**	**CITY OF _____**
(Contemnor)	**§**	**_____COUNTY, TEXAS**

JUDGMENT OF CONTEMPT

On this the _____ day of _____, 20___, the Court has exercised its inherent authority and the authority granted by Government Code, Section 21.001, to require the proceedings be conducted with dignity and in an orderly and expeditious manner and to compel obedience of court orders and to so control the proceedings that justice is done.

The Court finds that a notice of contempt was made to _____ on the _____ day of _____, 20__, and that _____ (did)(did not) attend a show cause hearing on the _____ day of _____, 20__, as set forth in the notice. The Court finds that Contemnor did not show good cause why he/she should not be held in contempt.

The Court finds that Contemnor violated an order of the Court to wit: _____.

The Court finds that a finding of contempt is necessary to compel obedience of Court orders.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that _____ is in contempt of court and shall be:

☐ Confined in _____ County Jail for a period of _____ (not to exceed three days).

☐ Fined the sum of $_____ (not to exceed $100).

_____
Judge, Municipal Court

City of _____

_____ County, Texas

(municipal court seal)

JUDGMENT OF CONTEMPT: FAILURE TO APPEAR FOR JURY SERVICE (Art. 45.027(c), C.C.P.)

CAUSE NUMBER: _____

IN THE MATTER OF	**§**	**IN THE MUNICIPAL COURT**
_____	**§**	**CITY OF _____**
(Contemnor)	**§**	**_____COUNTY, TEXAS**

JUDGMENT OF CONTEMPT

The Court exercised its inherent authority and the authority granted by Article 45.027, Code of Criminal Procedure, and ordered a venire be summoned for jury service, and required the appearance of the said Contemnor to appear as a venire person so that a jury trial could be conducted.

The Court finds that:

☐ Contemnor failed to appear for jury service, and Contemnor failed to appear after due notice for a show cause hearing on civil contempt and failed to present sufficient cause for failing to appear for jury service.

☐ Contemnor failed to appear for jury service, and Contemnor appeared for a show cause hearing and failed to present sufficient cause for failing to appear for jury service.

☐ Contemnor failed to appear for jury service, and Contemnor appeared for a show cause hearing and presented sufficient cause for failing to appear for jury service.

Therefore,

☐ The Court finds _____ in contempt of court for failing to appear for jury service.

It is therefore ordered, adjudged, and decreed that _____ is in contempt of court for failure to appear for jury service and is fined the sum of _____ (*maximum $100)* for contempt.

☐ The Court finds _____ showed sufficient cause for failing to appear for jury service. This contempt charge is thereby dismissed and the above named person is discharged from any civil liability for failing to appear for jury service.

_____
Judge, Municipal Court
City of _____

_____ County, Texas

(municipal court seal)

JUDGMENT OF CONTEMPT: PEACE OFFICER FAILURE TO SERVE PROCESS (Art. 2.16, C.C.P.)

CAUSE NUMBER: _____

IN THE MATTER OF	**§**	**IN THE MUNICIPAL COURT**
_____	**§**	**CITY OF _____**
(Contemnor)	**§**	**_____COUNTY, TEXAS**

JUDGMENT OF CONTEMPT

On the _____ day of _____, 20_____, this Court issued legal process to _____, a peace officer under the laws of Texas to execute the process.

Pursuant to Article 2.16, Code of Criminal Procedure, this Court finds that:

☐ Contemnor willfully refused or failed from neglect to execute the process described as: _____ _____, and Contemnor failed to appear after due notice for a show cause hearing on civil contempt and failed to present sufficient cause for (his)(her) failure or refusal to execute the process.

☐ Contemnor willfully refused or failed from neglect to execute the process described as: _____ _____, and Contemnor appeared for a show cause hearing and failed to present sufficient cause for (his)(her) failure or refusal to execute the process.

☐ Contemnor failed to execute the process described as: _____ _____, and Contemnor appeared for a show cause hearing and presented sufficient cause for (his)(her) failure.

Therefore,

☐ The Court finds _____ in contempt of court pursuant to Article 2.16, Code of Criminal Procedure.

It is therefore ordered, adjudged, and decreed that _____ is in contempt of court for failure to execute legal process and is fined the sum of _____ *(minimum $10, maximum $200)* for contempt.

☐ The Court finds _____ showed sufficient cause for the failure to execute legal process. This contempt charge is thereby dismissed and the above named person is discharged from any civil liability for this failure.

_____
Judge, Municipal Court
City of _____

_____ County, Texas

(municipal court seal)

JUDGMENT OF CONTEMPT: WITNESS REFUSAL TO OBEY SUBPOENA (Art. 24.05, C.C.P.)

CAUSE NUMBER: _____

IN THE MATTER OF	**§**	**IN THE MUNICIPAL COURT**
_____	**§**	**CITY OF _____**
(Contemnor)	**§**	**_____COUNTY, TEXAS**

JUDGMENT OF CONTEMPT

On the _____ day of _____, 20_____, this Court issued a witness subpoena to the above named contemnor to appear in this Court on the _____ day of _____, 20_____, then and there to testify in Cause Number _____ and to there remain from day to day, and from term to term, until discharged by this Court.

The Court finds that:

☐ Contemnor refused to obey the witness subpoena, and Contemnor failed to appear after due notice for a show cause hearing on civil contempt and failed to present sufficient cause for the refusal to obey the subpoena.

☐ Contemnor refused to obey the witness subpoena, and Contemnor appeared for a show cause hearing and failed to present sufficient cause for the refusal to obey the subpoena.

☐ Contemnor refused to obey the witness subpoena, and Contemnor appeared for a show cause hearing and presented sufficient cause for the refusal to obey the subpoena.

Therefore,

☐ The Court finds _____ in contempt of court for refusing to obey a witness subpoena.

It is therefore ordered, adjudged, and decreed that _____ is in contempt of court for refusing to obey the witness subpoena and is fined the sum of _____ (*maximum $100)* for contempt.

☐ The Court finds _____ showed sufficient cause for the refusal to obey a witness subpoena. This contempt charge is thereby dismissed and the above named person is discharged from any civil liability for the refusal to obey the witness subpoena.

_____
Judge, Municipal Court
City of _____

_____ County, Texas

(municipal court seal)

ABSTRACT OF JUDGMENT

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

I, _____, Municipal Court Clerk for the City of _____, do hereby verify that on the _____ day of _____, 20__, in the _____ Municipal Court, _____County, Texas, in a cause entitled State of Texas vs. _____, Cause Number _____ on the docket of the Court, judgment was rendered in favor of the State of Texas, for the use and benefit of the City of _____, against _____, the Defendant, who resides at _____, whose birthdate is _____, whose Social Security Number is _____, and whose driver's license number is _____, in the amount of _____ dollars ($_____), which includes court costs. The balance due on said judgment is $_____.

Signed this _____ day of _____, 20__.

(municipal court seal)

_____
Municipal Court Clerk
City of _____

_____ County, Texas

Subscribed, sworn to, and acknowledged before me, the undersigned authority, by _____, Court Clerk for the City of _____ on this _____ day of _____, 20__.

_____
Notary Public in and for the State of Texas

After recording, return to:

_____

_____

_____

WRIT OF EXECUTION

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

TO ANY SHERIFF OR ANY CONSTABLE WITHIN THE STATE OF TEXAS:

On the _____ day of _____, 20__, _____ Municipal Court recovered a judgment in the Municipal Court of the City of _____, _____ County, Texas against _____, which judgment is recorded in the minutes of said Court. Said judgment is for the sum of $_____, of which $_____ is actually due.

Therefore, you are commanded that out of the property of _____, Defendant in execution, subject to execution by law, you cause to be made the sum of $_____, together with the costs of executing this writ.

You shall execute this writ according to its terms, and according to law, and have the said sums of money, together with this writ, showing how you have executed the same, before said Court, at _____in the City of _____, _____ County, Texas, within 90 days from the date of this writ.

Witness, _____, Municipal Court Clerk for the City of _____, Texas this _____ day of _____, 20__.

(municipal court seal)

Attest:

_____
Municipal Court Clerk



JUVENILES

JUVENILES

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For forms related to civil cases for truant conduct, see the *Texas Truancy Resource Manual* for truancy courts at tmcec.com/resources/truancy.
For forms related to Youth Diversion, go to tmcec.com/youth-diversion.

APPLICATION FOR EXPUNCTION: ALCOHOLIC BEVERAGE CODE OFFENSES - CONVICTION (Sec. 106.12(a), (b), (c), A.B.C.)

IN THE MATTER OF	**§**	**IN THE MUNICIPAL COURT**
	§	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

DEFENDANT'S APPLICATION FOR EXPUNCTION

Now, comes _____ convicted of the offense of _____ _____ on the _____ day of _____, 20___ in the _____ Municipal Court in Cause Number _____.

Petitioner is now at least 21 years of age. Petitioner, being duly sworn, states under oath that he/she has not been convicted of any other violation of the Alcoholic Beverage Code while under the age of 21.

Petitioner requests that all records of said conviction be expunged pursuant to Section 106.12 of the Alcoholic Beverage Code, and the Court order expungement of all documents, records, and references thereof and release Petitioner from all disabilities resulting from said conviction. Petitioner further requests that said conviction may not be shown or made known in any manner for any purpose. Attached to this petition is a list of agencies, officials, and others who may have records or files regarding this conviction.

_____
Defendant-Petitioner

Sworn and subscribed before me on this the _____ day of _____, 20____.

_____
(Deputy Clerk)(Clerk)(Notary Public in and for the State of Texas)

(*municipal court seal or notary public seal if sworn before a notary public*)

Editor's Note: The court shall charge an applicant a fee of $30 for each application for expunction filed under this section to defray the cost of notifying state agencies of orders of expunction under this section. Sec. 106.12(e), A.B.C.

APPLICATION FOR EXPUNCTION: ALCOHOLIC BEVERAGE CODE OFFENSES - ARREST (Sec. 106.12(d), A.B.C.)

IN THE MATTER OF	§	**IN THE MUNICIPAL COURT**
	§	**CITY OF _____**
_____	§	**_____COUNTY, TEXAS**

DEFENDANT'S APPLICATION FOR EXPUNCTION

Now, comes _____, Petitioner, placed under custodial or noncustodial arrest for an incident leading to the following alleged violation(s) of the Alcoholic Beverage Code: _____, on the _____ day of _____, 20___, resulting in one or more charges filed in the _____ Municipal Court in Cause Number _____. Said arrest did not result in a conviction for the alleged violation(s) listed above.

Petitioner, being duly sworn, states under oath that he/she has not been arrested for an event leading to any other violation of the Alcoholic Beverage Code except for the arrest Petitioner seeks to expunge in this application.

Petitioner requests that all records of said arrest be expunged pursuant to Section 106.12 of the Alcoholic Beverage Code, and the Court order expungement of all documents, records, and references thereof and release Petitioner from all disabilities resulting from said arrest. Petitioner further requests that said arrest may not be shown or made known in any manner for any purpose. Attached to this petition is a list of agencies, officials, and others who may have records or files regarding this arrest.

_____
Defendant-Petitioner

Sworn and subscribed before me on this the _____ day of _____, 20____.

_____
(Deputy Clerk)(Clerk)(Notary Public in and for the State of Texas)

(*municipal court seal or notary public seal if sworn before a notary public*)

Editor's Note: The court shall charge an applicant a fee of $30 for each application for expunction filed under this section to defray the cost of notifying state agencies of orders of expunction under this section. Sec. 106.12(e), A.B.C.

For arrests made before, on, or after September 1, 2023, if the event leading to an alleged violation of the Alcoholic Beverage Code included multiple alleged violations during this event, all alleged violations from this event are eligible for expungement. Sec. 106.12(d), A.B.C.

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**
(Petitioner)		

ORDER OF EXPUNGEMENT

On this date came to be heard the application and motion for expunction filed in the above captioned cause. Having considered the pleadings and other documents on file herein, **the Court finds** that it has jurisdiction over the cause and the parties; and that all procedural and substantive requirements for expunction of the specified criminal records have been met pursuant to Section 106.12, Alcoholic Beverage Code.

Therefore, it is hereby Ordered, Adjudged, and Decreed that:

(1) the application and motion for expunction filed in the above-captioned cause is GRANTED, and all records of the petitioner's *(check all that apply)* □ arrest □ conviction, including the records in the Municipal Court of the City of _____, Texas, are to be expunged;

The following information is provided to identify the Defendant:
- Name:
- Sex:
- Race:
- Date of Birth:
- Driver's License Number:
- Identification Card Number:
- Social Security Number:

The following information is provided to identify the records pertaining to this cause:
- Offense:
- Date of Offense:
- Date of Arrest:
- County Where Arrested:
- Municipality Where Arrested:
- Arresting Agency:
- Case Number:
- Court:
- Cause Number:
- Date of Conviction:

(2) the respondents listed herein shall return all records and files concerning the above specified arrest to this Court, or if removal is impracticable, obliterate all portions of the record or file that identify the petitioner, including all computer entries, and notify this Court of its action not later than _____, 20____;

(3) the respondents shall delete from their records all index references to the records and files that are subject to this expunction order;

(4) the respondent, the Municipal Court of the City of _____, Texas, shall not permit inspection of the Court records concerning this expunction proceeding by any person other than the petitioner or petitioner's attorney herein, and shall obliterate all public references to this proceeding;

(5) pursuant to Section 106.12, Alcoholic Beverage Code, after entry of this Order, the applicant shall be released from all disabilities resulting from the conviction, and the conviction may not be shown or made known for any purpose; further, the petitioner may deny the occurrence of the expunged arrest, prosecution, conviction, and this expunction order;

(6) the Department of Public Safety shall send a copy of this Order by certified mail, return receipt requested, to any central federal depository of criminal records that there is reason to believe has any of the records subject to this Order, together with an explanation to the effect of the order and a request that the records in possession of the depository, including any information with respect to this proceeding, be destroyed, deleted, or returned to the Court on or before _____, 20____;

(7) the Texas Alcoholic Beverage Commission shall send a copy of this Order by certified mail, return receipt requested, to each central and regional depository of criminal records that there is reason to believe has any of the records subject to this Order, together with an explanation of the effect of the order and a request that the records in possession of the depository, including any information with respect to this proceeding, be destroyed, deleted, or returned to the Court on or before _____, 20____;

(8) the Clerk of the Municipal Court of the City of _____, Texas, shall cause a copy of this Order to be delivered, by certified mail, return receipt requested, to the following respondents subject to this Order (*include any of the following, and any not listed, that are applicable)*:

(a) Texas Alcoholic Beverage Commission
5806 Mesa Drive
Austin, TX 78731

(b) Texas Department of Public Safety
Attn: Expunction Unit, TxDPS Crime Records
P.O. Box 4143 Mail Stop (MSC-0234)
Austin, TX 78765-4143

(c) _____ County Juvenile Court

Address: _____

(d) Sheriff's Department

Address: _____

(e) _____ Police Department

Address: _____

(f) _____ City Attorney's Office

Address: _____

(g) _____ Alcohol Awareness Course Provider

Address: _____

(h) _____Community Service Provider

Address: _____

(i) Pretrial Services and/or Juvenile Case Manager

Address: _____

(j) Other: _____

_____

Signed this _____ day of _____, 20____.

(municipal court seal)

_____
Judge, Municipal Court

City of _____

_____ County, Texas

APPLICATION FOR EXPUNCTION: E-CIGARETTE AND TOBACCO OFFENSES (Sec. 161.255, H.S.C.)

IN THE MATTER OF	**§**	**IN THE MUNICIPAL COURT**
	§	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

DEFENDANT'S APPLICATION FOR EXPUNCTION

Now, comes _____ convicted of the offense of _____ _____ on the _____ day of _____, 20___ in the _____ Municipal Court in Cause Number _____.

Petitioner, being duly sworn, states under oath that he/she is at least 21 years of age.

Petitioner requests that all records of said conviction be expunged pursuant to Section 161.255 of the Health and Safety Code, and the Court order expungement of all documents, records, and references thereof and release Petitioner from all disabilities resulting from said conviction. Petitioner further requests that said conviction may not be shown or made known in any manner for any purpose. Attached to this petition is a list of agencies, officials, and others who may have records or files regarding this conviction.

_____
Defendant-Petitioner

Sworn and subscribed before me on this the _____ day of _____, 20___.

_____
(Deputy Clerk)(Clerk)(Notary Public in and for the State of Texas)

(*municipal court seal or notary public seal if sworn before a notary public*)

Editor's Note: The court shall charge an applicant a fee of $30 for each application for expunction filed under this section to defray the cost of notifying state agencies of orders of expunction under this section. Sec. 161.255, H.S.C.

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____ (Petitioner)	**§**	**_____COUNTY, TEXAS**

ORDER OF EXPUNGEMENT

On this date came to be heard the application and motion for expunction filed in the above captioned cause. Having considered the pleadings and other documents on file herein, **the Court finds** that it has jurisdiction over the cause and the parties; and that all procedural and substantive requirements for expunction of the specified criminal records have been met pursuant to Section 161.255, Health and Safety Code.

Therefore, it is hereby Ordered, Adjudged, and Decreed that:

(1) the application and motion for expunction filed in the above-captioned cause is GRANTED, and all records of the petitioner's arrest and conviction, including the records in the Municipal Court of the City of _____, Texas, are to be expunged;

The following information is provided to identify the Defendant:
- Name:
- Sex:
- Race:
- Date of Birth:
- Driver's License Number:
- Identification Card Number:
- Social Security Number:

The following information is provided to identify the records pertaining to this cause:
- Offense:
- Date of Offense:
- Date of Arrest:
- County Where Arrested:
- Municipality Where Arrested:
- Arresting Agency:
- Case Number:
- Court:
- Cause Number:
- Date of Conviction:

(2) the respondents listed herein shall return all records and files concerning the above specified arrest to this Court, or if removal is impracticable, obliterate all portions of the record or file that identify the petitioner, including all computer entries, and notify this Court of its action not later than _____, 20____;

(3) the respondents shall delete from their records all index references to the records and files that are subject to this expunction order;

(4) the respondent, the Municipal Court of the City of _____, Texas, shall not permit inspection of the Court records concerning this expunction proceeding by any person other than the petitioner or petitioner's attorney herein, and shall obliterate all public references to this proceeding;

(5) pursuant to Section 161.255, Health and Safety Code, after entry of this Order, the applicant shall be released from all disabilities resulting from the conviction, and the conviction may not be shown or made known for any purpose; further, the petitioner may deny the occurrence of the expunged arrest, prosecution, conviction, and this expunction order;

(6) the Department of Public Safety shall send a copy of this Order by certified mail, return receipt requested, to any central federal depository of criminal records that there is reason to believe has any of the records subject to this Order, together with an explanation to the effect of the order and a request that the records in possession of the depository, including any information with respect to this proceeding, be destroyed, deleted, or returned to the Court on or before _____, 20____;

(7) the Clerk of the Municipal Court of the City of _____, Texas, shall cause a copy of this Order to be delivered, by certified mail, return receipt requested, to the following respondents subject to this Order (*include any of the following, and any not listed, that are applicable)*:

(a) Texas Department of Public Safety
Attn: Expunction Unit, TxDPS Crime Records
P.O. Box 4143 Mail Stop (MSC-0234)
Austin, TX 78765-4143

(b) Juvenile Court of _____ County, Texas

Address: _____

(c) Sheriff's Department

Address: _____

(d) _____ Police Department

Address: _____

(e) _____ City Attorney's Office

Address: _____

(f) _____ E-Cigarette and Tobacco Awareness Course Provider

Address: _____

(g) _____Community Service Provider

Address: _____

(h) Other: _____

_____

_____

Signed this _____ day of _____, 20___.

(municipal court seal)

_____
Judge, Municipal Court

City of _____

_____ County, Texas

ORDER FOR EXPUNCTION OF RECORDS: FAILURE TO ATTEND SCHOOL (Art. 45.0541, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

☐ **SEE ATTACHED LIST**

ORDER OF EXPUNCTION

According to the records of the Court, (*the above named individual) or (the attached list of individuals*) has either been convicted of or has had a complaint dismissed for Failure to Attend School (Section 25.094, E.C., repealed September 1, 2015), and per Article 45.0541 of the Code of Criminal Procedure, is entitled to have the conviction, complaint, and records relating to the conviction or complaint expunged.

Therefore, it is hereby Ordered, Adjudged, and Decreed that all convictions, complaints, verdicts, sentences, and other documents relating to the offense of Failure to Attend School be expunged from the individual's record**.**

Upon entry of this order, any individual named in this order is released from all disabilities resulting from the conviction or complaint, and the conviction or complaint may not be shown or made known for any purpose. Art. 45.0541, C.C.P.

This order applies to all records relating to a Failure to Attend School case, including those in the possession of a school district or law enforcement agency.

Signed this _____ day of _____, 20____.

(municipal court seal)

_____
Judge, Municipal Court

City of _____

_____ County, Texas

NOTICE OF EXPUNCTION RIGHTS: PENAL OFFENSES/ DEFERRED DISPOSITION/ TEEN COURT (Art. 45.0216, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

NOTICE OF EXPUNCTION RIGHTS
PENAL OFFENSES

ATTENTION DEFENDANT AND PARENT:

Pursuant to Article 45.0216(e), Code of Criminal Procedure, upon conviction for a misdemeanor punishable by fine only or a violation of a penal ordinance, the Court must inform the child who is the subject of the hearing and the child's parent in open court of the child's expunction rights and provide the child and the child's parent with a written copy of Article 45.0216 which reads as follows:

Art. 45.0216. EXPUNCTION OF CERTAIN CONVICTION RECORDS OF CHILDREN

(a) In this article, "child" has the meaning assigned by Section 51.02, Family Code.

(b) A person may apply to the court in which the person was convicted to have the conviction expunged as provided by this article on or after the person's 17th birthday if:

(1) the person was convicted of not more than one offense described by Section 8.07(a)(4) or (5), Penal Code, while the person was a child; or
(2) the person was convicted only once of an offense under Section 43.261, Penal Code.

(c) The person must make a written request to have the records expunged. The request must be under oath.

(d) The request must contain the person's statement that the person was not convicted of any additional offense or found to have engaged in conduct indicating a need for supervision as described by Subsection (f)(1) or (2), as applicable.

(e) The judge shall inform the person and any parent in open court of the person's expunction rights and provide them with a copy of this article.

(f) The court shall order the conviction, together with all complaints, verdicts, sentences, and prosecutorial and law enforcement records, and any other documents relating to the offense, expunged from the person's record if the court finds that:

(1) for a person applying for the expunction of a conviction for an offense described by Section 8.07(a)(4) or (5), Penal Code, the person was not convicted of any other offense described by Section 8.07(a)(4) or (5), Penal Code, while the person was a child; and
(2) for a person applying for the expunction of a conviction for an offense described by Section 43.261, Penal Code, the person was not found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(7), Family Code, while the person was a child.

(f-1) After entry of an order under Subsection (f), the person is released from all disabilities resulting from the conviction and the conviction may not be shown or made known for any purpose.

(g) This article does not apply to any offense otherwise covered by:

(1) Chapter 106, Alcoholic Beverage Code; or
(2) Chapter 161, Health and Safety Code.

(h) Records of a person under 17 years of age relating to a complaint may be expunged under this article if:

(1) the complaint was dismissed under Article 45.051 or 45.052 or other law; or
(2) the person was acquitted of the offense.

(i) The justice or municipal court shall require a person who requests expungement under this article to pay a reimbursement fee in the amount of $30 to defray the cost of notifying state agencies of orders of expunction under this article.

(j) The procedures for expunction provided under this article are separate and distinct from the expunction procedures under Chapter 55.

ISSUED AND RECEIVED BY THE UNDERSIGNED:

_____
Signature of Municipal Judge Date

_____ _____
Signature of Defendant Date Signature of Parent Date

(municipal court seal)

Editor's Note: This form is inapplicable to traffic offenses.

APPLICATION FOR EXPUNCTION: PENAL OFFENSES (Art. 45.0216, C.C.P.)

IN THE MATTER OF	**§**	**IN THE MUNICIPAL COURT**
	§	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

DEFENDANT'S APPLICATION FOR EXPUNCTION

Now, comes _____ convicted of the offense of _____ on the _____ day of _____, 20___ in the _____ Municipal Court in Cause Number _____.

Petitioner is now at least 17 years of age. Petitioner, being duly sworn, states under oath that:

☐ he/she has not been convicted of more than one offense under Section 8.07(a)(4) or (5), Penal Code, while a child

☐ he/she was only convicted once of an offense under Section 43.261 and was not found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(6), Family Code (if the petitioner is attempting to have a conviction under Section 43.261 expunged with this application).

Petitioner requests that all records of said conviction be expunged pursuant to Article 45.0216 of the Code of Criminal Procedure, and the Court order expungement of all documents, records, and references thereof and release _____ from all disabilities resulting from said conviction. Petitioner further requests that said conviction may not be shown or made known in any manner for any purpose. Attached to this petition is a list of agencies, officials, and others who may have records or files regarding this conviction.

_____
Defendant-Petitioner

Sworn and subscribed before me by _____, a credible person, on this _____ day of _____, 20___.

_____
(Deputy Clerk)(Clerk)(Notary Public in and for the State of Texas)

(*municipal court seal or notary public seal if sworn before a notary public*)

Editor's Note: The court shall charge an applicant a reimbursement fee of $30 for each application for expunction filed under this section to defray the cost of notifying state agencies of orders of expunction under this section. Sec. 45.0216, C.C.P.

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**
(Petitioner)		

ORDER OF EXPUNGEMENT

On this date came to be heard the application and motion for expunction filed in the above captioned cause. Having considered the pleadings and other documents on file herein, **the Court finds** that it has jurisdiction over the cause and the parties; and that all procedural and substantive requirements for expunction of the specified criminal records have been met pursuant to Article 45.0216, Code of Criminal Procedure.

Therefore, it is hereby Ordered, Adjudged, and Decreed that:

(1) the application and motion for expunction filed in the above-captioned cause is GRANTED, and all records of the petitioner's arrest and conviction, including the records in the Municipal Court of the City of _____, Texas, are to be expunged;

The following information is provided to identify the Defendant:
- Name:
- Sex:
- Race:
- Date of Birth:
- Driver's License Number:
- Identification Card Number:
- Social Security Number:

The following information is provided to identify the records pertaining to this cause:
- Offense:
- Date of Offense:
- Date of Arrest:
- County Where Arrested:
- Municipality Where Arrested:
- Arresting Agency:
- Case Number:
- Court:
- Cause Number:
- Date of Conviction:

(2) the respondents listed herein shall return all records and files concerning the above specified arrest to this Court, or if removal is impracticable, obliterate all portions of the record or file that identify the petitioner, including all computer entries, and notify this Court of its action not later than _____, 20____;

(3) the respondents shall delete from their records all index references to the records and files that are subject to this expunction order;

(4) the respondent, the Municipal Court of the City of _____, Texas, shall not permit inspection of the Court records concerning this expunction proceeding by any person other than the petitioner or petitioner's attorney herein, and shall obliterate all public references to this proceeding;

(5) pursuant to Article 45.0216, Code of Criminal Procedure, after entry of this Order, the applicant shall be released from all disabilities resulting from the conviction, and the conviction may not be shown or made known for any purpose; further, the petitioner may deny the occurrence of the expunged arrest, prosecution, conviction, and this expunction order;

(6) the Department of Public Safety shall send a copy of this Order by certified mail, return receipt requested, to any central federal depository of criminal records that there is reason to believe has any of the records subject to this Order, together with an explanation to the effect of the order and a request that the records in possession of the depository, including any information with respect to this proceeding, be destroyed, deleted, or returned to the Court on or before _____, 20_____;

(7) the Clerk of the Municipal Court of the City of _____, Texas, shall cause a copy of this Order to be delivered, by certified mail, return receipt requested, to the following respondents subject to this Order (*include any of the following, and any not listed, that are applicable)*:

(a) Juvenile Court of _____ County, Texas

Address: _____

(b) Texas Department of Public Safety
Attn: Expunction Unit, TxDPS Crime Records
P.O. Box 4143 Mail Stop (MSC-0234)
Austin, TX 78765-4143

(c) Sheriff's Department

Address: _____

(d) _____ Police Department

Address: _____

(e) _____ City Attorney's Office

Address: _____

(f) _____Community Service Provider

Address: _____

(g) Pretrial Services and/or Juvenile Case Manager

Address: _____

(h) Other: _____

_____

_____

Signed this _____ day of _____, 20___.

(municipal court seal)

_____
Judge, Municipal Court

City of _____

_____ County, Texas

AFFIDAVIT FOR COMPLAINT: PARENT CONTRIBUTING TO NON-ATTENDANCE (Sec. 25.093, E.C.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

In the Name and by the Authority of the State of Texas:

I, the undersigned affiant, do solemnly swear that I have good reason to believe and do believe that _____ (parent/or other person in parental relation), hereinafter called the Defendant, heretofore, on or about the _____ day of _____, 20___, and before the making and filing of this complaint, in the territorial limits of the City of _____, and the State of Texas, did then and there with criminal negligence fail to require _____ *(name of student)* on the above-referenced date to attend school for _____ or more days between the following periods of time: _____ and _____.

This failure to attend was determined by:

☐ Reviewing attendance records of the school,

☐ Interviewing_____, or

☐ Other _____.

I submitted a written warning to _____ (*parent or individual standing in parental relation to)* _____ *(name of student)* on the _____ day of _____, 20___. No reason for the foregoing absences was provided to the school by the custodial parent or other person in parental relation to _____ *(name of student)*; and he/she failed to require_____ *(name of student)* to attend school as required by Section 25.085, Education Code, and permitted the foregoing unexcused voluntary absences from school.

Additional specifics are:

_____

_____

Against the peace and dignity of the State.

Affiant: _____

Sworn to and subscribed before me on this the _____ day of _____, 20___.

_____
(Notary Public in and for the State of Texas)
(Clerk)(Deputy Clerk)(Municipal Court Judge)

City of _____

_____County, Texas

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

ORDER OF DISMISSAL

WHEREAS, the charge against the above named defendant alleges the defendant committed an offense under Section 25.093, Education Code, **the Court Hereby Finds** that

☐ a dismissal would be in the interest of justice because:

☐ there is a low likelihood of recidivism by the defendant.
☐ sufficient justification exists for the failure to attend school.

OR

☐ the defendant fulfilled the terms of an agreement described by Section 25.094 of the Education Code.

THE COURT ORDERS:

The charge in the above referenced cause number is **HEREBY DISMISSED**.

_____
Judge, Municipal Court Date

(municipal court seal)

City of _____

_____County, Texas

Editor's Note: Effective September 1, 2023, a municipal court shall dismiss a charge against a defendant alleging the defendant committed an offense under Section 25.093 of the Education Code, if the parent completes the terms of an agreement under Section 25.094 of the Education Code entered into by the parent and the school district at which the parent's child attends, within the period required by Section 25.094(b. If agreed to by the school district that is a party to the agreement, the court may extend the period under Section 25.094(b), during which a parent may fulfill the terms of the agreement.

ORDER TO TAKE INTO NONSECURE CUSTODY: OFFENDER UNDER AGE 17 (Art. 45.058, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

TO ANY PEACE OFFICER OF THE STATE OF TEXAS - GREETINGS:

You are hereby **COMMANDED** to take into nonsecure custody _____, the Defendant, and immediately bring (him)(her) before the Court to be dealt with according to law. Said Defendant has been accused of the fine-only misdemeanor offense of: _____ ,which is against the laws of the State of Texas (against the city ordinances of this city).

Defendant's date of birth is _____. Defendant is to be taken immediately before a Judge of this Court, to a designated place of non-secure custody, or as otherwise provided by Article 45.058(b), Code of Criminal Procedure.

HEREIN FAIL NOT but make due service and return of this Order of Nonsecure Custody, showing how you executed the same.

Signed this _____ day of _____, 20___.

(municipal court seal)

_____
(Magistrate)(Judge), Municipal Court

City of _____

_____ County, Texas

.....

OFFICER'S RETURN

Came to hand the _____ day of _____, 20___, at _____ o'clock, ___.m. and executed on the _____ day of _____, 20___, at _____ o'clock, ___.m. by _____ .

_____
Peace Officer

REPORT TO JUVENILE COURT OF COMPLAINT FILED (Sec. 51.08(c), F.C.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

☐ Offense alleged: _____

☐ Juvenile's birthdate: _____

☐ Complaint filed: _____, 20___

☐ Reported to Juvenile Court: _____, 20___

☐ Final Disposition entered: _____, 20___

☐ Reported to Juvenile Court: _____, 20___

☐ Certified Copy of Final Disposition Attached: _____, 20___

Signed and entered this _____ day of _____, 20___.

(municipal court seal)

_____
Judge, Municipal Court

City of _____

_____ County, Texas

Editor's Note: It is suggested that this form be in triplicate; (1) the top copy would report to the juvenile court the filing of a complaint against a juvenile in a municipal court and would record the docket number, the juvenile defendant's name, birthdate, and the offense alleged; (2) the second copy would then accompany the copy of the final disposition to the juvenile court; and (3) the third copy would be retained in the municipal court's file to document that the required reports were made. This form would be used only in cases where the municipal court does not waive its jurisdiction.

WAIVER OF JURISDICTION AND TRANSFER TO JUVENILE COURT (Sec. 51.08(b), (f), F.C.)

CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS.	§	**CITY OF _____**
_____	§	**_____COUNTY, TEXAS**

Defendant's Birthdate: _____

TO: Juvenile Court
_____
_____

Pursuant to Section 51.08, Family Code, the Municipal Court referenced above **waives** its jurisdiction in the case set out and transfers the case to the Juvenile Court named. The case was not transferred to the Municipal Court by the Juvenile Court, nor is it a case alleging a traffic violation. The case alleges an offense classified as a misdemeanor punishable by fine only or violation of a city ordinance other than traffic.

The records of this Municipal Court show regarding this Defendant:

☐ No prior case filed
☐ No prior conviction
☐ One previous conviction
☐ Two previous convictions
☐ Dismissal under Sec. 51.08(b)(1)(A), F.C.
☐ Dismissal under Sec. 8.08, P.C.

Docket Number: _____
Offense: _____
Punishment Assessed: _____
Final Disposition: _____

Docket Number: _____
Offense: _____
Punishment Assessed: _____
Final Disposition: _____

(Check only what is applicable. Add as many prior convictions as your records show except traffic or tobacco offenses.)

The following marked documents are enclosed to effect this waiver of Municipal Court jurisdiction and transfer of the case to the Juvenile Court.

☐ Citation
☐ Complaint
☐ Magistrate's Warning Certificate
☐ Juvenile Confession/Voluntary Statement Warnings
☐ Waiver of Rights by a Juvenile
☐ Magistrate's Certification and Acknowledgment of Voluntary Statement of Juvenile
☐ Appearance Bond
☐ Order Dismissing Complaint for Child with Mental Illness, Disability, or Lack of Capacity
☐ Other: _____
_____
_____

Signed and entered this _____ day of _____, 20___.

(municipal court seal)

_____
Judge, Municipal Court

City of _____

_____County, Texas

Editor's Note: Check only those items that are available in a particular case. Not every case will have every item. In transferring the case, the municipal court should send all original papers to the juvenile court, but it should keep copies in its own case file. A municipal court that implements a juvenile case manager under Article 45.054, C.C.P., may—but is not required to—waive its original jurisdiction, except in "sexting" cases against children. Sec. 51.08(b)(1)(A), F.C. Under Sec. 51.08(f), F.C., transfer is mandatory if the complaint alleges a non-traffic offense against a child and this court or another court has previously dismissed a complaint against the defendant child under Sec. 8.08, P.C. for lack of capacity.

WAIVER OF JURISDICTION AND TRANSFER TO JUVENILE COURT: CHILD WITH MENTAL ILLNESS, DISABILITY, OR LACK OF CAPACITY (Sec. 51.08(f), F.C.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

Defendant's Birthdate: _____

TO: Juvenile Court
_____
_____

Pursuant to Section 51.08, Family Code, the Municipal Court referenced above **waives** its jurisdiction in the case set out and transfers the case to the Juvenile Court named. The complaint alleges _____, an offense classified as a misdemeanor punishable by fine only, other than a traffic offense, and this court or another court, to wit, _____, has previously dismissed a complaint against the defendant child under Section 8.08, Penal Code. The details of the dismissal are listed below and the order of dismissal is enclosed herein.

_____
_____
_____
_____
_____

Signed and entered this _____ day of _____, 20___.

(municipal court seal)

_____
Judge, Municipal Court

City of _____

_____ County, Texas

Editor's Note: The mandatory transfer to juvenile court created by Section 51.08(f) of the Family Code applies regardless of whether the court employs a juvenile case manager.

ORDER DISMISSING COMPLAINT FOR CHILD WITH MENTAL ILLNESS, DISABILITY, OR LACK OF CAPACITY
(Sec. 8.08, P.C.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

ORDER

On this the _____ day of _____, 20____, the Defendant, _____, a child, as defined by Article 45.058(h), Code of Criminal Procedure, appeared in the above numbered and styled cause.

This court, having jurisdiction of misdemeanors punishable by fine only and of violations of a penal ordinance of a political subdivision,

Upon motion by *(the state) (the defendant) (a person standing in parental relation to the defendant) (the court)*,

Finds probable cause exists to believe that said Defendant: *(Check One)*

- ☐ Lacks the capacity to understand the proceedings in criminal court or to assist in the child's own defense and is unfit to proceed.
- ☐ Lacks substantial capacity either to appreciate the wrongfulness of the child's own conduct or to conform the child's conduct to the requirement of law.

Having provided notice to the State, it is hereby ORDERED that the above styled and numbered cause is DISMISSED.

It is FURTHER ORDERED that all subsequent NON-TRAFFIC cases filed against said Defendant in this court be TRANSFERRED TO:

Juvenile Court
_____
_____

_____
Judge, Municipal Court Date

(municipal court seal)

City of _____

_____ County, Texas

OPTIONAL ORDERS APPLICABLE TO JUVENILES (Art. 45.057, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

On this date appeared _____, Defendant in the above-styled and number cause, a child, who, having been found guilty of a fine-only offense, this Court having jurisdiction **ORDERS** the following provisions as indicated:

☐ The Defendant shall no later than _____, 20____:
- ☐ Attend a rehabilitation program;
- ☐ Attend counseling;
- ☐ Attend self-esteem and leadership class;
- ☐ Attend work and job skills training;
- ☐ Attend job interviewing and work preparation training;
- ☐ Attend self-improvement training;
- ☐ Attend parenting class;
- ☐ Attend manners training;
- ☐ Attend violence avoidance training;
- ☐ Get tutoring;
- ☐ Attend parental responsibility training;
- ☐ Attend sensitivity training;
- ☐ Perform community service at _____ for _____ hours;
- ☐ Participate in an advocacy or mentoring program;
- ☐ Other: _____.

The above ordered program(s) shall be completed by _____, 20 _____.

☐ The Court further finds that the Defendant is at risk and orders the parent to attend:
- ☐ Crisis family intervention;
- ☐ Emergency short-term residential care for children 10 years of age or older;
- ☐ Family counseling;
- ☐ Parenting skills training;
- ☐ Youth coping skills training;
- ☐ Advocacy training;
- ☐ Mentoring;
- ☐ A parenting class or parental responsibility program;

The above ordered program(s) shall be completed by _____, 20 _____.

☐ The person required to attend this program submit proof of attendance to the Court.

☐ The parent, managing conservator, or guardian of the child shall pay an amount not greater than $100 for the costs of the program.

☐ The parents, managing conservators, or guardians refrain from conduct that may encourage the child to violate a Court order.

☐ The parents, managing conservators, or guardians attend the child's school classes or functions.

☐ The Defendant is hereby **Ordered** to pay restitution in the amount of $ _____ to the victim in this case. Said restitution to be paid by _____.

☐ The child or the child's parents, managing conservators, or guardians are referred for services under Section 137.152, Human Resources Code. This order applies specifically to the following individuals: _____.

Dated: _____

_____
Judge, Municipal Court

(municipal court seal)

City of _____

_____ County, Texas

NOTICE OF CONTINUING OBLIGATION TO INFORM COURT OF CHILD'S RESIDENCE (Art. 45.057(h), (i), and (j), C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS.	§	**CITY OF _____**
_____	§	**_____COUNTY, TEXAS**

NOTICE OF CONTINUING OBLIGATION TO INFORM COURT OF CHILD'S RESIDENCE

THE FOLLOWING NOTICE IS BEING PROVIDED TO (check either or both):

☐ **The Defendant**, namely, _____, a child
DOB ___/____/____ Age: _____

☐ **The Defendant's Parent** (including any person standing in parental relation, a managing conservator, or a custodian), namely,_____
DOB ___/____/____ Age: _____

ATTENTION: Pursuant to Article 45.057(j), Code of Criminal Procedure, you are being providing written notice of the following sections from Article 45.057:

(h) A child and parent required to appear before the court have an obligation to provide the court **in writing** with the **current address and residence** of the child. **The obligation does not end when the child reaches age 17. On or before the seventh day after the date the child or parent changes residence** *(any place where the child lives or resides for a period of at least 30 days)*, the child or parent shall notify the court of the current address in the manner directed by the court. **A violation of this subsection may result in arrest and is a Class C misdemeanor. The obligation to provide notice terminates on discharge and satisfaction of the judgment or final disposition not requiring a finding of guilt**. (*Explanation* and **emphasis** added).

(i) If an appellate court accepts an appeal for a trial de novo, the child and parent shall provide the notice under Subsection (h) to the appellate court.

CHANGES IN ADDRESS: Changes in the Defendant's address shall be provided in writing to the Court in the following manner: _____

QUESTIONS: For additional information about your obligation you may call or visit the Court.

Municipal Court _____
Address _____
City, Texas _____
Zip Code _____
Telephone Number _____
Website _____

_____ _____ _____
Defendant's Signature Parent's Signature Judge, Municipal Court

(municipal court seal)

City of _____

Date _____

Editor's Note: A written copy of this notice must be provided to each individual placed under the obligation. A separate copy must be retained with the records of the case in the event of Juvenile-Now-Adult (JNA) enforcement.

STATEMENT/CHANGE OF RESIDENTIAL ADDRESS (Art. 45.057(h), C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

According to the records of the Court, the following is the residential address of the Defendant named above:

_____
_____
_____
_____

Check, sign, and date beneath ONE of the following:

☐ The information stated above is the CORRECT residential address of the Defendant named above. The Court has given me written notice of my continuing obligation to keep the Court informed as to changes in the Defendant's correct residential address. I understand that violation of my obligation is a Class C misdemeanor punishable by a fine not to exceed $500.00 dollars (excluding fees and costs) and may result in my arrest.

_____ _____
Signature Date

☐ The information stated above is an INCORRECT residential address for the Defendant named above. I understand that knowingly making a false statement in a governmental record is a Class A misdemeanor. The CORRECT residential address for the Defendant is:

_____
_____
_____
_____

The Court has given me written notice of my continuing obligation to keep the Court informed as to changes in the Defendant's correct residential address. I understand that violation of my obligation is a Class C misdemeanor punishable by a fine not to exceed $500.00 dollars (excluding fees and costs) and may result in my arrest.

_____ _____
Signature Date

Received, this the ___ day of _____, 20___.

_____
(Judge) (Clerk) (Deputy Clerk), Municipal Court

COMPLAINT: VIOLATION OF CONTINUING OBLIGATION TO INFORM COURT OF CHILD'S ADDRESS (Art. 45.057, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

In the Name and by the Authority of the State of Texas:

I, the undersigned affiant, do solemnly swear that I have good reason to believe and do believe that _____, hereinafter called the Defendant, on or about the _____ day of _____, 20___, and before the making and filing of this complaint, in the territorial limits of the City of _____ , and the State of Texas, the Defendant did then and there, after having been required to appear before the Municipal Court of _____, Texas as (the Defendant under the age of 17)(parent or guardian of _____, the Defendant under the age of 17) in Cause Number _____, (changed residence)(was aware of Defendant's change of residence) and intentionally, knowingly, and recklessly failed to notify the court in writing or in the manner ordered by the Court of the current address of the Defendant's residence within seven (7) days of said change of address.

Against the peace and dignity of the State.

Affiant: _____

Sworn and subscribed before me by _____, a credible person, this _____ day of _____, 20___.

(municipal court seal)

_____
(Judge) (Clerk) (Deputy Clerk), Municipal Court

City of _____

_____ County, Texas

JUDGMENT ADDENDUM: CHILD CONTEMPT WARNING (Art. 45.050(c), C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

On this ___ day of _____ 20__, the Defendant in the above numbered and entitled cause is warned by the Court that failure or refusal to comply with the Court's order may result in the Defendant being held in contempt of court.

Violation of this Court's order shall result in the Defendant being taken into custody by a peace officer and either:

1. **REFERRAL** to Juvenile Court for delinquent conduct for contempt of a municipal court order;

   OR

2. **RETENTION** of jurisdiction by this Court and:
   A. the imposition of a fine not to exceed $500; and/or
   B. the suspension or denial of a driver's license or permit until the Defendant has **fully complied** with the orders of this Court.

Acknowledged by Defendant,

_____
Defendant's Signature

Admonished by,

_____
Judge, Municipal Court
City of _____

_____ County, Texas

(municipal court seal)

CONTEMPT SHOW CAUSE NOTICE: CHILD (Art. 45.050(c), C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

ORDER TO SHOW CAUSE

Name: _____ Offense: _____

Address: _____

You are hereby ordered to appear before the _____ Municipal Court at _____ o'clock ___.m., on the _____ day of _____, 20__, to show cause why you failed to abide by the terms of the judgment rendered against you on the _____, 20__. Specifically, you are accused of failing to:

_____

_____

_____

_____.

WARNING

If you fail to appear pursuant to this order and your contemptuous conduct occurs **prior to your 17th birthday**, the Court may have you taken into custody and refer you to Juvenile Court for delinquent conduct. Alternatively, the Court may impose a fine of up to $500 and/or deny you the ability to possess a Texas driver's license until you fully comply with the Court's orders. If an allegation of contempt stems from an offense occurring on or after September 1, 2003, and if you have already been found guilty, you may be committed to jail upon turning age 17. To avoid such consequences, you must fully comply with all the Court's orders.

(municipal court seal)

_____
Judge, Municipal Court

City of _____

_____County, Texas

JUDGMENT OF CONTEMPT BY A CHILD (Art. 45.050, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

JUDGMENT OF CONTEMPT

On the ___ day of _____, 20__, this Court entered a judgment of guilty against _____ _____*(name)* who was ordered by the Court to: _____ _____ _____.

After personally receiving in writing the above lawful order from the Court, _____ did then and there fail to comply with the order, to wit: _____ _____ _____, which amounted to a willful and contemptuous refusal to obey the above lawful order. _____ was warned by the Court that such failure or refusal was unlawful contempt of court on _____.

After receiving a written warning, _____did then and there willfully and contemptuously refuse to obey the lawful order by _____*(municipal judge)*.

The Court finds that a notice of contempt was made to _____ on the _____ day of _____, 20___. That _____ (did)(did not) attend the show cause hearing on the _____ day of _____, 20___, as set forth in the notice. The Court finds contemnor did not show good cause he he/she should not be held in contempt.

The Court finds that a finding of contempt is necessary to compel obedience of court orders.

☐ The Court hereby refers the child to the appropriate Juvenile Court for delinquent conduct for violating a lawful order of the _____ Municipal Court under circumstances that would constitute contempt of Court.

☐ The Court hereby retains jurisdiction of the case and finds that this refusal constitutes contempt of court and that _____ is guilty of contempt.

☐ It is hereby **ordered** that _____ pay a fine in the amount of $ _____ *(an amount not to exceed $500)*.

☐ It is hereby **ordered** that the Texas Department of Public Safety suspend the child's driver's license or deny the issuance of a license or permit until receiving notice from this Court that the child has fully complied with the orders of this Court.

Rendered and entered this _____ day of _____, 20__.

(municipal court seal)

_____
Judge, Municipal Court
City of _____

_____ County, Texas

ORDER REFERRING CHILD TO JUVENILE COURT FOR DELINQUENT CONDUCT (Art. 45.050(c)(1), C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	§	**IN THE MUNICIPAL COURT**
VS.	§	**CITY OF _____**
_____	§	**_____COUNTY, TEXAS**

The Judge of the Municipal Court of the City of _____, having examined the records in the matter of the above-named Defendant, makes the following findings:

1. The Defendant's date of birth is _____.
2. The Defendant was previously convicted in this Court for the offense of _____, docket number _____ of the City of _____ Municipal Court on the _____ day of _____, 20___.
3. Upon conviction, this Court on the _____ day of _____, 20___ ordered Defendant to _____ _____ no later than _____ , 20___ .
4. Defendant has disobeyed the above order by: _____ _____ _____.

Pursuant to Article 45.050(c)(1), Code of Criminal Procedure, it is **ORDERED** that the Defendant is referred to _____(*enter title of appropriate juvenile court official. See Section 51.02(12), Family Code)*, for delinquent conduct as defined in Section 51.03(a)(2), Family Code. **IT IS FURTHER ORDERED** that the Clerk of this Court shall forward a certified copy of all papers and records of this case, including this Order, to the above named official.

Signed and entered this _____ day of _____ , 20___.

(municipal court seal)

_____
Judge, Municipal Court

City of _____

_____ County, Texas

Editor's Note: Before referring a child to the appropriate juvenile court for delinquent conduct for contempt of the justice or municipal court order, the justice or municipal court must first provide the child notice and an opportunity to be heard.

NOTICE OF CONTINUING OBLIGATION TO APPEAR: JUVENILE NOW ADULT (Art. 45.060, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

NOTICE OF CONTINUING OBLIGATION TO APPEAR

WARNING: COURT RECORDS REVEAL THAT BEFORE YOUR 17TH BIRTHDAY YOU WERE ACCUSED OF A CRIMINAL OFFENSE AND HAVE FAILED TO MAKE AN APPEARANCE OR ENTER A PLEA IN THIS MATTER. **AS AN ADULT, YOU ARE NOTIFIED THAT YOU HAVE A CONTINUING OBLIGATION TO APPEAR IN THIS CASE.** FAILURE TO APPEAR AS REQUIRED BY THIS NOTICE MAY BE AN ADDITIONAL CRIMINAL OFFENSE AND RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.

YOU ARE HEREBY ORDERED TO APPEAR before the Municipal Court of the City of _____, _____ County, Texas at _____o'clock ____.m., on the _____ day of _____, 20___, then and there to answer to the State of Texas for the following misdemeanor(s):

THE COURT'S ADDRESS: _____
_____
_____

WITNESS my official signature this _____ day of _____, 20____.

(municipal court seal)

_____
Judge, Municipal Court
City of _____

_____, County, Texas

OFFICER'S RETURN

Came to hand the _____ day of _____ , 20___, at _____o'clock ____.m., and executed the _____ day of _____ , 20___ at ____o'clock _____.m. by:

☐ Delivering a copy of this *Notice of Continuing Obligation to Appear* to the Defendant personally.

☐ Mailing a copy of this *Notice of Continuing Obligation to Appear* to the Defendant's last known address pursuant to Article 45.057 and 45.060, Code of Criminal Procedure.

Address:
_____
_____
_____

Signature of Individual Serving Process

_____

Date: _____

COMPLAINT: **VIOLATION OF CONTINUING OBLIGATION TO APPEAR (Art. 45.060, C.C.P.)**

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

In the Name and by the Authority of the State of Texas:

I, the undersigned affiant, do solemnly swear that I have good reason to believe and do believe that _____, hereinafter called the Defendant, an individual age 17 or older, on or about the _____ day of _____, 20___, and before the making and filing of this complaint, in the territorial limits of the City of _____ , and the State of Texas, the Defendant did then and there intentionally, knowingly, or recklessly fail to appear after being given notice of his/her continuing obligation to appear at a designated time, place, and date to answer the allegations detailed in the notice and after previously being informed of the Defendant's continuing obligation under Article 45.057 and given notice in accord with Article 45.060, Code of Criminal Procedure.

Against the peace and dignity of the State.

_____
Affiant

Sworn and subscribed before me by _____,
a credible person, this _____ day of _____, 20___.

(municipal court seal)

_____
(Judge) (Clerk) (Deputy Clerk), Municipal Court

City of _____

_____ County, Texas

CLERK'S AFFIDAVIT FOR CAPIAS PRO FINE: JNA

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

I, _____, being duly sworn, upon oath, state that I have good reason to believe and do believe that on or about the _____ day of _____, 20___, _____, Defendant, defaulted in payment of a fine and court costs. My belief is based upon the following:

I am the Municipal Court Clerk and custodian of the records for the Municipal Court, City of _____, _____ County, Texas. On _____, 20___, I personally examined the official records of this Municipal Court. The records indicate that the Defendant in the above styled and numbered cause was charged with the offense of_____, and was found guilty of the offense, on the _____ day of _____, 20___. The judgment in the above styled case indicate that the Defendant was ordered to make (a payment) (certain prescribed payments) on the fine and costs imposed on the following date(s):
_____
_____ .

The official court record indicates that the Defendant did not appear on the _____ day of _____, 20___ to make a payment or to request an extension as ordered by the Court. The official court record shows that said Defendant owes _____ dollars ($_____) in fine and court costs to satisfy the judgment.

At the time of default, Defendant, a child, was at least 10 years of age and younger than 17 years of age. As required by law, the Court proceeded under Article 45.050, Code of Criminal Procedure, to compel the individual to discharge the judgment. According to court records, the Defendant is of date 17 years of age or older.

_____
Affiant

Sworn to and subscribed before me on _____ day of _____, 20___.

_____
(Judge) (Clerk) (Deputy Clerk)

City of _____

Editor's Note: A capias pro fine may not be issued for an individual convicted for an offense committed before the individual's 17th birthday unless: (1) the individual is 17 years of age or older; (2) the court finds that the issuance of the capias pro fine is justified after considering: (A) the sophistication and maturity of the individual; (B) the criminal record and history of the individual; and (C) the reasonable likelihood of bringing about the discharge of the judgment through the use of procedures and services currently available to the court; and (3) the court has proceeded under Article 45.050 to compel the individual to discharge the judgment. Art. 45.045(b), C.C.P.

SHOW CAUSE NOTICE PRIOR TO ISSUANCE OF CAPIAS PRO FINE: JUVENILE NOW ADULT (Art. 45.045, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

ORDER TO SHOW CAUSE

Name: _____ Offense: _____

Address: _____

The official Court record shows that you have failed to satisfy the judgment rendered against you on _____, 20__ according to its terms. **You are hereby ordered** to appear before the _____ Municipal Court at _____ o'clock ___.m., on the _____ day of _____, 20__, for a hearing on your ability to satisfy the terms of the judgment. Specifically, you are accused of failing to:

_____

_____

_____

_____.

If all the terms of the judgment are not timely satisfied on or before the date ordered above, the defendant must appear on the date and time ordered above to show cause why a capias pro fine should not be issued. If the reason for failure to satisfy the judgment is that the judgment imposes an undue hardship, bring documentation with you to the hearing. Failure to appear on this date and time may result in the issuance of a capias pro fine and commitment to jail to discharge the judgment under Article 45.046 of the Code of Criminal Procedure. Additional fees by law may result.

_____
Judge, Municipal Court

City of _____

_____ County, Texas

(municipal court seal)

Editor's Note: A court may not issue a capias pro fine for the defendant's failure to satisfy the judgment according to its terms unless the court holds a hearing to determine whether the judgment imposes an undue hardship on the defendant, and the defendant fails to: (1) appear at the hearing; or (2) comply with an order issued under 45.045(a-2), C.C.P., as a result of the hearing.

CAPIAS PRO FINE: JUVENILE NOW ADULT (Art. 45.045, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

TO THE CHIEF OF POLICE OF THE CITY OF _____ OR ANY PEACE OFFICER OF THE STATE OF TEXAS – GREETINGS:

Whereas on the _____ day of _____, 20___, before Judge _____ of the Municipal Court of the City of _____, Texas, _____, Defendant, date of birth ____/____/____, was convicted of the offense of: _____ and a judgment was rendered by said Court in favor of the State, against said Defendant for the sum of $_____ and all costs of Court; and there is due and unpaid the amount of $_____.

According to court records, the Defendant defaulted in discharging the judgment of the Court on or about ____/____/____.

At the time of default, Defendant, a child, was at least 10 years of age and younger than 17 years of age. As required by law, the Court proceeded under Article 45.050, Code of Criminal Procedure, to compel the individual to discharge the judgment. According to Court records, the Defendant is of this day 17 years of age or older. According to court records, the amount of $_____ remains unpaid. The individual named as the Defendant in the judgment of the above styled ***criminal*** case is now an adult.

The Court held a hearing at _____ o'clock ___.m., on the _____ day of _____, 20__. (☐The Defendant failed to appear at the hearing.) (☐Based on evidence presented at the hearing, the court determined that a capias pro fine should be issued.)

Therefore, the Court hereby finds that said Defendant has defaulted and failed to wholly satisfy the judgment in the above styled case.

The Court hereby finds that the issuance of a capias pro fine is justified. In making such a finding, the Court has considered:

1. The sophistication and maturity of the individual;
2. The criminal record and history of the individual; and
3. The reasonable likelihood of bringing about the discharge of the judgment through the use of procedures and services currently available to the Court.

You are therefore commanded to bring said Defendant before the Municipal Court of the City of _____, Texas immediately *[or before a municipal court located in the same municipality if this Court is unavailable]* or place him or her in jail until the next business day following the date of the Defendant's arrest if the Defendant cannot be brought before the court immediately. **You are commanded** to notify the Court **IMMEDIATELY** upon arrest of the Defendant. If the Defendant is placed in jail, **jail personnel are ORDERED** to notify the Court **IMMEDIATELY** upon placement of the Defendant in jail.

In witness whereof, I have hereunto set my hand at my office in the Municipal Court of the City of _____, Texas this _____ day of _____, 20___.

_____
Judge, Municipal Court

(municipal court seal)

City of _____

_____County, Texas

.....

OFFICER'S RETURN

Came to hand the _____ day of _____, 20___, at _____ o'clock ___.m. Executed on the _____ day of _____, 20___, at _____ o'clock ___.m. the same by arresting _____, the named Defendant.

_____
Arresting Officer

Editor's Note: A court may not issue a capias pro fine for the defendant's failure to satisfy the judgment according to its terms unless the court holds a hearing to determine whether the judgment imposes an undue hardship on the defendant, and the defendant fails to: (1) appear at the hearing; or (2) comply with an order issued under 45.045(a-2), C.C.P., as a result of the hearing.

ORDER OF COMMITMENT: JUVENILE NOW ADULT (Art. 45.046, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____COUNTY, TEXAS**

TO THE SHERIFF OF _____ COUNTY, TEXAS – GREETINGS:

You are commanded to take into custody and commit to the jail of your County the Defendant, in the above styled case, who, on the _____ , day of _____, 20____, was convicted before the Municipal Court in the City of _____, _____ County, Texas of the offense of _____ and was assessed a fine and court costs totaling $_____, of which $ _____ is unpaid.

At the time of default, Defendant, a child, was at least 10 years of age and younger than 17 years of age. As required by law, the Court proceeded under Article 45.050, Code of Criminal Procedure, to compel the individual to discharge the judgment. According to Court records, the Defendant is of this day 17 years of age or older. According to Court records, the amount of $_____ remains unpaid. The individual named as the Defendant in the judgment of the above styled case is now an adult.

The Court has found the issuance of a capias pro fine justified. In making such a finding, the Court considered:

1. the sophistication and maturity of the individual;
2. the criminal record and history of the individual; and
3. the reasonable likelihood of bringing about the discharge of the judgment the use of procedures and services currently available to the Court.

The undersigned finds that **EITHER** *(check the applicable one)***:**

☐ (1) the arrestee is the same person as the Defendant in the cause described above;
(2) the Defendant has intentionally failed to make a good faith effort to pay said fine and costs; and
(3) the Defendant is not indigent and has failed to make a good faith effort to discharge said fine and costs;

OR

☐ (1) the arrestee is the same person as the Defendant in the cause described above;
(2) the Defendant has intentionally failed to make a good faith effort to pay said fine and costs; and
(3) the Defendant is indigent and:
(a) has failed to make a good faith effort to discharge the fine and costs under Article 45.049, Code of Criminal Procedure, (community service);
(b) could have discharged the fine under Article 45.049, Code of Criminal Procedure, (community service) without experiencing any undue hardship.

Therefore, you are commanded to keep the Defendant in custody until the sum of $ _____ is fully paid or Defendant is otherwise discharged by law. Unless otherwise specified in the judgment or sentence in said cause, pursuant to Article 45.048(b), Code of Criminal Procedure, the Court specifies that the Defendant remain in jail a sufficient length of time to satisfy the fine and costs at the following rate:

_____ hours (*not less than 8 or more than 24*) to earn
_____ (*minimum dollar amount $100*) to satisfy the fine and costs.

In the event Defendant is committed for defaulting in more than one judgment, jail credit is to be assessed:

☐ Concurrently (at the same time, per judgment until jail credit exceeds or equals the sum total of fine and costs).
☐ Consecutively ("stacked," one sentence of confinement is to follow another until jail credit exceeds or equals the sum total of fine and costs) with the following cause(s): *list cause number(s), court(s), date(s) of judgment(s), offense(s), and fine and costs total(s).*

Ordered on this _____ day of _____, 20___.

(municipal court seal)

_____
Judge, Municipal Court

City of _____

_____ County, Texas



ANIMAL HEARINGS

ANIMAL HEARINGS

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AFFIDAVIT FOR WARRANT TO SEIZE CRUELLY TREATED ANIMAL(S) (Sec. 821.022, H.S.C.)

STATE OF TEXAS
COUNTY OF _____
CITY _____

BEFORE ME, the undersigned authority, on this day personally appeared the affiant, who after being by me duly sworn, deposes and makes the following statements and accusations:

Affiant is _____, who is an Animal Control Officer or Peace Officer for the City of _____, and makes the following statements for legal seizure under Section 821.022, Health and Safety Code:
Seizure is requested of an/all animal(s) that is/are being cruelly treated, in particular, _____
_____
_____ [*list manner(s) of cruel treatment or check any of the following*]

___ tortured
___ seriously overworked
___ unreasonably abandoned
___ unreasonably deprived of necessary food, care, or shelter
___ cruelly confined
___ caused to fight with another animal
___ subjected to conduct prohibited by Section 21.09, Penal Code;

Specifically including but not limited to: _____
_____
_____. [*list type(s) of animal(s) and name(s) of animal(s), if known.*]

This/These animal(s) is/are currently located in the City of _____, _____ County, Texas at _____ [*location*], which is under the control of _____ [*owner's name*]. The description of the premises is as follows: _____.

My belief of the foregoing is based on the following facts:
[*list specifically how the animal(s) was/were being cruelly treated*].

Wherefore, Affiant requests a warrant to seize said animal(s) in accordance with Section 821.022, Health and Safety Code, and requests that a hearing be set within 10 calendar days in order to determine whether said animal(s) has/have been cruelly treated.

Signed on this the _____ day of _____, 20__.

_____
Affiant

Subscribed and sworn to before me the undersigned authority on this the _____ day of _____, 20___.

_____
Judge, Municipal Court

SEIZURE WARRANT FOR CRUELLY TREATED ANIMAL(S) (Sec. 821.022, H.S.C.) (Page 1 of 2)

CAUSE NUMBER: _____

IN RE:	**§**	**IN THE MUNICIPAL COURT**
_____	**§**	**CITY OF _____**
(Name or Description of Animal(s))	**§**	**_____ COUNTY, TEXAS**

TO THE ANIMAL CONTROL AUTHORITY FOR THE CITY OF _____, TEXAS OR ANY OTHER PEACE OFFICER OF THE STATE OF TEXAS - GREETINGS:

Whereas a sworn affidavit has been made before me by _____ [*name of Affiant*], alleging that the below described animal(s) is/are being or has/have been cruelly treated, a true and exact copy of which application is attached hereto and expressly incorporated herein and made a part hereof, and said affidavit having stated facts and information in my opinion sufficient to establish probable cause for the issuance of this warrant;

Whereas, in accordance with Section 821.022, Health and Safety Code, a seizure warrant may be issued to a peace officer or an officer who has responsibility for animal control in a municipality and has reason to believe that an animal has been or is being cruelly treated;

You are hereby commanded to ENTER UPON AND SEARCH the below described location and to there verify the presence of the below described animal(s) and **SHALL SEIZE** the same and any other found animals that have been or are being cruelly treated, to inspect, to make note of findings, to take photographs of animals alleged to be/have been cruelly treated and conditions constituting alleged cruel treatment of the below described animal(s):

Animal(s) Description: _____

Address Where Animal Kept: _____

Purported Owner and Address: _____

It is further ordered that the animal(s) shall be **IMPOUNDED** and held in the custody and control of the City of _____ in accordance with Section 821.022, Health and Safety Code, for the purpose of a hearing to determine whether the animal(s) has/have been cruelly treated as defined under the laws of the State of Texas.

It is further ordered that you give written notice to _____ [*name(s) of owner(s)*] the alleged owner(s) of said animal(s), that the hearing to determine whether said animal(s) has/have been cruelly treated will be held not later than 10 days from the date of issuance of this warrant in the City of _____ Municipal Court on the _____ day of _____, 20___, at _____ [time], located at _____ _____ [*address of municipal court*].

HEREIN FAIL NOT, but make due service and return of this warrant, showing how you executed the same.

Signed this _____ day of _____, 20__.

(municipal court seal)

_____
Judge, Municipal Court
City of _____

_____ County, Texas

CAUSE NUMBER: _____

IN RE:	**§**	**IN THE MUNICIPAL COURT**
_____	**§**	**CITY OF _____**
(Name or Description of Animal(s))	**§**	**_____ COUNTY, TEXAS**

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN, that the above styled and numbered cause is set for hearing as provided by law, in the City of _____ Municipal Court located at: _____ at:

____ : ____ ___.M, ON THE _____ DAY OF _____, 20__.

(within 10 calendar days of issuing the warrant)

(municipal court seal)

_____
Judge, Municipal Court
City of _____
_____ County, Texas

.....

OFFICER'S RETURN

Came to hand the _____ day of _____, 20__, at _____ o'clock ___.m. and executed on the _____ day of _____, 20__, at _____ o'clock ___.m. by _____
_____.

_____
Peace Officer

ORDER: CRUELLY TREATED ANIMAL(S) HEARING (Sec. 821.023, H.S.C.)

CAUSE NUMBER: _____

IN RE:	§	**IN THE MUNICIPAL COURT**
_____	§	**CITY OF _____**
(Name or Description of Animal(s))	§	**_____ COUNTY, TEXAS**

ORDER

On this the ____day of _____, 20___, came to be considered the above-referenced matter. This Court, having determined that it has jurisdiction over the subject matter in controversy and that venue was proper, heard the evidence, and considered all pleadings on file with the Court, and having considered the same,

THIS COURT FINDS that Respondent(s), _____, as owner(s) of the following described animal(s): _____
_____

☐ **did not** cruelly treat the animal(s), and therefore, **IT IS ORDERED** that the animal(s) be returned to the owner(s).

☐ **did** cruelly treat the animal(s) by _____
_____ *(describe the cruel treatment)*, and **IT IS THEREFORE ORDERED** that said owner(s) be divested of ownership of said animal(s).

IT IS FURTHER ORDERED *(check one)*

☐ that said animal(s) be sold by public auction, with the proceeds from the sale of the animal to be first applied to the costs ordered below.

☐ *Optional:* **It is further ordered** that the animal(s) be spayed or neutered at the cost of the receiving party.

☐ that said animal(s) be given to a municipal or county animal shelter or a nonprofit animal welfare organization, namely _____

☐ *Optional:* **It is further ordered** that the animal(s) be spayed or neutered at the cost of the receiving party.

☐ that said animal(s) be humanely destroyed, as the Court finds that it is in the best interest of the animal or that the public health and safety would be best served by doing so.

IT IS FURTHER ORDERED that the owner pay costs in the amount of $_____.

The Respondents have the right to appeal this Order divesting the owner of ownership to the (County Court) (County Court at Law) of _____ County, Texas. The Court finds that the estimated costs likely to be incurred to house and care for the impounded animal during the appeal process is $_____. It is therefore **ORDERED** that the amount of bond necessary to perfect an appeal is $_____ *(sum of the ordered costs and costs likely to be incurred).*

(municipal court seal)

_____
Judge, Municipal Court Date

City _____

_____County, Texas

APPEAL BOND: CRUELLY TREATED ANIMAL(S) CASE (Sec. 821.025, H.S.C.)

CAUSE NUMBER: _____

IN RE:	**§**	**IN THE MUNICIPAL COURT**
_____	**§**	**CITY OF _____**
(Name or Description of Animal(s))	**§**	**_____ COUNTY, TEXAS**

Whereas, in the above-entitled and numbered cause, judgment was rendered against _____ [*owner's name*], former owner of _____ [*name/description of animal(s)*], hereinafter, "the animal(s)," divesting ownership of the animal(s) from _____ [*owner's name*] and for court costs under Section 821.023, Health and Safety Code, in the sum of $_____, from which judgment _____ [*owner's name*] desires to appeal to the County Court (at Law) of _____ County, Texas; and

Whereas, appellant desires to suspend execution of said judgment pending determination of such appeal;

☐ I, as principal, am hereby depositing in cash in lieu of sureties with the Municipal Court the sum of _____ dollars $_____ *(amount of bond set by judge,)*

☐ WE, _____ (*name of appellant*), as principal, and _____ [*either* _____ (*name of surety company*), a corporate surety company duly qualified and authorized to do business in Texas, *or* _____ (*name*) and _____ (*name*), two good and sufficient sureties], as surety, acknowledge ourselves bound to pay to the Municipal Court, the sum of _____dollars $_____ *(amount of bond set by judge),*

the estimated expenses incurred in housing and caring for the animal(s) while impounded during the appeal process, conditioned, however, that the above-named principal shall prosecute the appeal with effect and shall pay off and satisfy:

(1) the judgment of court costs under Section 821.023 of the Health and Safety Code, that may be rendered against Appellant on appeal; as well as

(2) the estimated expenses of housing and caring for the animal(s) during the appeal process, that may be rendered against Appellant on appeal;

of which sum I am held and bound to the State of Texas.

☐ The sum of _____ dollars ($_____) was deposited with the Court by (cash)(money order)(cashier's check) and bond filed on the _____ day of _____, 20___.

☐ **Witness** our hands this the _____ day of _____, 20___.

_____	_____
Signature of Principal	Mailing Address
_____	_____
Signature of Surety	Mailing Address
_____	_____
Signature of Surety	Mailing Address

Approved on this ___ day of _____, 20___.

_____
Judge, Municipal Court
City of _____
_____ County, Texas

AFFIDAVIT FOR WARRANT TO SEIZE DOG THAT CAUSED SERIOUS BODILY INJURY OR DEATH (Sec. 822.002, H.S.C.)

STATE OF TEXAS
COUNTY OF _____
CITY _____

BEFORE ME, the undersigned authority, on this day personally appeared the affiant, who after being by me duly sworn, deposes and makes the following statements and accusations:

Affiant, _____ *(any person, including the county attorney, city attorney, or peace officer)*, makes the following statements under Section 822.002, Health and Safety Code:

Affiant has good reason to believe and does believe that the below described dog has caused the death of or serious bodily injury to a person by attacking, biting, or mauling him/her within the territorial limits of the City of _____, _____ County, Texas, with serious bodily injury defined as an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

My belief of the foregoing is based on the following facts:

(insert facts about what the affiant saw or knows)

The dog, described as one _____ *(description, including gender, breed, name)* currently located in the City of _____, _____ County, Texas at _____ *(location)*, which is under the control of _____ (*name of owner)* caused the (death of) (serious bodily injury to) _____ *(victim's name)* by (attacking) (biting) (mauling) the person.

Wherefore, Affiant requests a warrant to seize said animal in accordance with Section 822.002, Health and Safety Code, and requests that a hearing be set within 10 days in order to determine whether the dog caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person.

Signed on this the _____ day of _____, 20__.

_____
Affiant

Subscribed and sworn to before me the undersigned authority on this the _____ day of _____, 20___.

_____
Judge, Municipal Court

SEIZURE WARRANT FOR DOG THAT CAUSED SERIOUS BODILY INJURY OR DEATH (Sec. 822.002, H.S.C.)

CAUSE NUMBER: _____

IN RE:	**§**	**IN THE MUNICIPAL COURT**
_____	**§**	**CITY OF _____**
(Name or Description of Dog)	**§**	**_____ COUNTY, TEXAS**

TO THE ANIMAL CONTROL AUTHORITY FOR THE CITY OF _____, TEXAS - GREETINGS:

Whereas, a sworn complaint has been filed with this Court, alleging that the below described dog has caused the death of, or serious bodily injury to a person by attacking, biting, or mauling him or her within the territorial limits of the City of _____, _____ County, Texas; and

Whereas, the Court has found, based on the statements and allegations contained in the affidavit sworn before the undersigned judge, that probable cause exists to believe that the below described dog has caused serious bodily injury to or the death of a person. The written affidavit, under oath, has been sworn before me by _____ [*name of Affiant*] hereto attached and expressly made a part hereof, having stated facts and information sufficient to establish probable cause for the issuance of this seizure warrant in accordance with Section 822.002, Health and Safety Code;

IT IS THEREFORE ORDERED, that the Animal Control Authority as designated by the City of _____, or another peace officer or other law enforcement agent so ordered by the Animal Control Authority under the laws of the State of Texas **SHALL ENTER UPON AND SEARCH** the suspected place and premises described in said affidavit and to there verify the presence of the below described dog and **SHALL SEIZE** the same.

IT IS FURTHER ORDERED that the dog shall be IMPOUNDED in secure and humane conditions until the Court orders the disposition of the dog in accordance with Section 822.002, Health and Safety Code, in a hearing to determine whether the dog caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person. The hearing shall be held not later than 10th day after the date this warrant issues.

You are therefore commanded to forthwith enter and seize:

Dog Description (breed and color): _____

Address Where Animal Kept: _____

Purported Owner and Address: _____

HEREIN FAIL NOT, but make due service and return of this warrant, showing how you executed the same.

Signed this _____ day of _____, 20__.

(municipal court seal)

_____
Judge, Municipal Court
City of _____

_____ County, Texas

.....

OFFICER'S RETURN

Came to hand the _____ day of _____, 20__, at _____ o'clock ___.m. and executed on the _____ day of _____, 20__, at _____o'clock ___.m. by _____.

_____
Peace Officer

NOTICE OF HEARING FOR DOG THAT CAUSED SERIOUS BODILY INJURY OR DEATH (Sec. 822.003, H.S.C.)

CAUSE NUMBER: _____

IN RE:	**§**	**IN THE MUNICIPAL COURT**
_____	**§**	**CITY OF _____**
(Name or Description of Dog)	**§**	**_____ COUNTY, TEXAS**

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN, that the above styled and numbered cause is set for hearing as provided by law, to determine whether the above described dog caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person, in the City of _____ Municipal Court located at: _____ at:

____ : ____ ___.M, ON THE _____ DAY OF _____, 20__.

(within 10 days of issuing the warrant)

(municipal court seal)

(municipal court seal)

_____
Judge, Municipal Court
City of _____
_____ County, Texas

Editor's Note: Notice must be given to (1) the owner of the dog or the person from whom the dog was seized; and (2) the person who made the complaint. Sec. 822.003(a), H.S.C.

ORDER: DOG CAUSED SERIOUS BODILY INJURY OR DEATH (Sec. 822.003, H.S.C.)

CAUSE NUMBER: _____

IN RE:	**§**	**IN THE MUNICIPAL COURT**
_____	**§**	**CITY OF _____**
(Name or Description of Dog)	**§**	**_____ COUNTY, TEXAS**

ORDER

On this the ____day of _____, 20___, came to be considered the above-referenced matter. This Court, having determined that it has jurisdiction over the subject matter in controversy and that venue was proper, heard the evidence, and considered all pleadings on file with the Court, and having considered the same,

THIS COURT FINDS that the following described dog **_____,**

☐ **caused the death** of a person by attacking, biting, or mauling the person. **IT IS THEREFORE ORDERED** that said dog be destroyed as authorized by Section 822.004, Health and Safety Code.

☐ **caused serious bodily injury**, as defined by Section 822.001(2), Health and Safety Code, to a person by attacking, biting, or mauling the person.

The Court further finds (check condition only if applicable):

☐ that the dog was being used for the protection of a person or person's property, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept; and the enclosure was reasonably certain to prevent the dog from leaving the enclosure on its own and provided notice of the presence of a dog, and the injured person was at least 8 years of age, and was trespassing in the enclosure when the attack, bite, or mauling occurred.

☐ that the dog was not being used for the protection of a person or person's property, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and the injured person was at least eight years of age and was trespassing in the enclosure when the attack, bite, or mauling occurred.

☐ that the attack, bite, or mauling occurred during an arrest or other action of a peace officer while the peace officer was using the dog for law enforcement purposes.

☐ that the dog was defending a person from an assault or a person's property from damage or theft by the injured person.

☐ that the injured person was younger than eight years of age, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and the enclosure was reasonably certain to keep a person younger than eight years of age from entering.

IT IS THEREFORE ORDERED *(check one)*

☐ that said dog be destroyed as authorized by Section 822.004, Health and Safety Code (if none of the above conditions exist).

☐ that as a condition exists that prohibits the Court from ordering destruction and that said dog be released to its owner; the person from whom the dog was seized; or any other person authorized to take possession of the dog.

☐ that said dog be released to its owner; the person from whom the dog was seized; or any other person authorized to take possession of the dog.

☐ **did not cause** the death of or serious bodily injury to a person by attacking, biting, or mauling the person. **IT IS THEREFORE ORDERED** that said dog be released to its owner; the person from whom the dog was seized; or any other person authorized to take possession of the dog.

(municipal court seal)

_____
Judge, Municipal Court Date

City _____

_____County, Texas

COMPLAINT: DANGEROUS DOG INCIDENT (Sec. 822.0422, H.S.C.)

STATE OF TEXAS
COUNTY OF _____
CITY _____

The City Council for the City of _____ has adopted an ordinance electing to be governed by Section 822.0422, Health and Safety Code. As such, any person may report an incident as described below to the municipal court.

BEFORE ME, the undersigned authority, on this day personally appeared the Affiant, who after being by me duly sworn, deposes and makes the following statements and accusations under Section 822.0422, Health and Safety Code:

I have good reason to believe and do believe that the below described dog:

- ☐ made an unprovoked attack on a person that caused bodily injury and occurred in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or

- ☐ committed unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts caused a person to reasonably believe that the dog will attack and cause bodily injury to that person.

My belief of the foregoing is based on the following facts:

(insert facts about what the affiant saw or knows)

The dog, described as one _____ *(description, including gender, breed, name)* is currently located in the City of _____, _____ County, Texas at _____ *(location)*, which is under the control of _____ (*name of owner).*

Wherefore, Affiant requests the Court set a time for a hearing to determine whether the above described dog is a dangerous dog, as defined by Section 822.041(2), Health and Safety Code. Furthermore, if the owner of the above described dog does not deliver the dog to the animal control authority as ordered by this Court, Affiant requests a warrant be issued to seize said dog in accordance with Section 822.0422, Health and Safety Code.

Signed on this the _____ day of _____, 20__.

_____
Affiant

Subscribed and sworn to before me the undersigned authority on this the _____ day of _____, 20___.

_____
(Judge)(Clerk)(Deputy Clerk), Municipal Court

NOTICE OF DANGEROUS DOG COMPLAINT FILED (Sec. 822.0422, H.S.C.)

CAUSE NUMBER: _____

IN RE:	**§**	**IN THE MUNICIPAL COURT**
_____	**§**	**CITY OF _____**
(Name or Description of Dog)	**§**	**_____ COUNTY, TEXAS**

NOTICE OF COMPLAINT FILED

NOTICE IS HEREBY GIVEN, that a report has been filed in this Municipal Court alleging that the below described dog, of which you are the purported owner, is a dangerous dog as defined by Section 822.041(2), Health and Safety Code, set out below. A copy of the report is attached to this Notice.

A dangerous dog is a dog that:

a) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
b) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Pursuant to Section 822.0422(b), the owner of said dog shall deliver the dog to the Animal Control Authority for the City of _____ not later than the fifth day after the date on which the owner receives this notice that a report has been filed.

If the owner fails to deliver the dog as required, this Court shall order the Animal Control Authority to seize the dog and shall issue a warrant authorizing the seizure. The owner will be required to pay any cost incurred in seizing the dog.

The Animal Control Authority shall provide for the impoundment of the dog in secure and humane conditions until this Court orders the disposition of the dog in a hearing to be held not later than the 10th day after the date on which the dog is delivered or seized. The hearing will be held to determine whether said dog is a dangerous dog as defined above. You will be mailed notice of the hearing date once the dog is in custody of the Animal Control Authority.

Signed on this the _____ day of _____, 20__.

(municipal court seal)

_____
Judge, Municipal Court

City of _____

_____ County, Texas

SEIZURE WARRANT FOR DANGEROUS DOG (Sec. 822.0422, H.S.C.)

CAUSE NUMBER: _____

IN RE:	**§**	**IN THE MUNICIPAL COURT**
_____	**§**	**CITY OF _____**
(Name or Description of Dog)	**§**	**_____ COUNTY, TEXAS**

TO THE ANIMAL CONTROL AUTHORITY FOR THE CITY OF _____, TEXAS - GREETINGS:

Whereas, a sworn complaint has been filed with this Court, alleging that the below described dog is a dangerous dog as defined by Section 822.041(2), Health and Safety Code; and

Whereas, the Court has found, that the owner of said dog was notified that the complaint was filed with this Court and was ordered to deliver the dog to the Animal Control Authority not later than the fifth day after the date on which the owner received notice that the report was filed; and as of the date of the issuance of this warrant, being at least five days after the date on which the owner received such notice, the owner has failed to deliver the dog as required by Section 822.0422(b), Health and Safety Code,

IT IS THEREFORE ORDERED, that the Animal Control Authority as designated by the City of _____, or another peace officer or other law enforcement agent so ordered by the Animal Control Authority under the laws of the State of Texas **SHALL ENTER UPON AND SEARCH** the suspected place and premises as described below and to there verify the presence of the below described dog and **SHALL SEIZE** the same.

IT IS FURTHER ORDERED that the dog shall be IMPOUNDED in secure and humane conditions until the Court orders the disposition of the dog in accordance with Section 822.0423, Health and Safety Code, in a hearing to determine whether the dog is a dangerous dog, to be held not later than the 10th day after the date on which the dog is seized.

You are therefore commanded to forthwith enter and seize:

Dog Description (breed and color): _____

Address Where Animal Kept: _____

Purported Owner and Address: _____

The owner shall pay any cost incurred in seizing the dog.

HEREIN FAIL NOT, but make due service and return of this warrant, showing how you executed the same.

Signed this _____ day of _____, 20__.

(municipal court seal)

_____
Judge, Municipal Court
City of _____

_____ County, Texas

.....

OFFICER'S RETURN

Came to hand the _____ day of _____, 20__, at _____ o'clock ___.m. and executed on the _____ day of _____, 20__, at _____ o'clock ___.m. by _____
_____.

_____
Peace Officer

NOTICE OF DANGEROUS DOG HEARING (Sec. 822.0423, H.S.C.)

CAUSE NUMBER: _____

IN RE:	**§**	**IN THE MUNICIPAL COURT**
_____	**§**	**CITY OF _____**
(Name or Description of Dog)	**§**	**_____ COUNTY, TEXAS**

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN, that the above styled and numbered cause is set for hearing as provided by law, in the City of _____ Municipal Court located at: _____ at:

____ : ____ ___.M, ON THE _____ DAY OF _____, 20__

(not later than the 10th day after the date dog is delivered or seized)

to determine whether the above described dog is a dangerous dog as defined by Section 822.041(2), Health and Safety Code.

(municipal court seal)

_____
Judge, Municipal Court

City of _____

_____ County, Texas

Editor's Note: Notice must be given to (1) the owner of the dog or the person from whom the dog was seized; and (2) the person who made the complaint. Sec. 822.0423(b), H.S.C.

DANGEROUS DOG JUDGMENT (Secs. 822.042, 822.0422, and 822.0423, H.S.C.) (Page 1 of 2)

CAUSE NUMBER: _____

IN RE:	**§**	**IN THE MUNICIPAL COURT**
_____	**§**	**CITY OF _____**
(Name or Description of Dog)	**§**	**_____ COUNTY, TEXAS**

ORDER

On this the ____day of _____, 20___, came to be considered the above-referenced matter. This Court, having determined that it has jurisdiction over the subject matter in controversy and that venue was proper, heard the evidence, and considered all pleadings on file with the Court, and having considered the same,

THIS COURT FINDS that the dog described as a _____ (*gender and breed*) dog owned by _____ *(name of owner)* and known as "_____" *(name of dog)* is a dangerous dog, as that term is defined by Section 822.041(2), Health and Safety Code, in that the dog has been found to have

☐ made an unprovoked attack on a person that caused bodily injury and occurred in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or

☐ committed unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts caused a person to reasonably believe that the dog will attack and cause bodily injury to that person.

☐ *(if this is an appeal from an animal control determination)* **IT IS THEREFORE ORDERED** that the administrative determination of the City of _____ Animal Control Officer be upheld in that respect.

☐ Owner, _____, hereby learns he/she is the owner of a dangerous dog.

IT IS FURTHER ORDERED that _____ *(name of owner)* shall be required to register the dangerous dog named "_____" *(name of dog)* with the City of _____ Animal Control Authority. The dog shall be registered annually.

IT IS FURTHER ORDERED that _____ *(name of owner)* shall be required to restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure, defined as a fenced area or structure that is locked; capable of preventing the entry of the general public, including children; capable of preventing the escape or release of a dog; clearly marked as containing a dangerous dog; and in conformance with the requirements for enclosures established by the City of _____ local Animal Control Authority and by city ordinance.

IT IS FURTHER ORDERED that _____ *(name of owner)* shall obtain and maintain liability insurance coverage or show financial responsibility in an amount not less than One Hundred Thousand and 00/100 Dollars ($100,000.00) to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person.

IT IS FURTHER ORDERED that _____ *(name of owner)* shall comply will all applicable municipal regulation, requirements, or restrictions on dangerous dogs, including: _____ _____.

If the owner sells or moves the dog to a new address, the owner, not later than the 14th day after the date of the sale or move, shall notify the Animal Control Authority for the area in which the new address is located.

The owner shall notify the Animal Control Authority with which the dangerous dog was registered of any attacks the dangerous dog makes on people.

IT IS FURTHER ORDERED that _____ *(name of owner)* must comply with the above requirements not later than the 30th day after the date of this judgment. If the owner does not comply by the _____ day of _____, 20___, the owner shall deliver the dangerous dog to the Animal Control Authority, or a warrant for the seizure of the dog shall be issued. The owner shall pay any cost or fee assessed by the City of _____ related to the seizure, acceptance, impoundment, or destruction of the dog.

Signed this _____ day of _____, 20__.

(municipal court seal)

_____
Judge, Municipal Court

City of _____

_____ County, Texas

Editor's Note: Notwithstanding any other law or local regulation, any order to destroy a dog adjudged dangerous is stayed for a period of 10 calendar days from the date the order is issued, during which period the dog's owner may file a notice of appeal. Additionally, a court may not order the destruction of a dog during the pendency of an appeal under Section 822.0424, H.S.C.

APPLICATION: DANGEROUS DOG OWNER FAILED TO COMPLY (Sec. 822.042, H.S.C)

STATE OF TEXAS
COUNTY OF _____
CITY _____

BEFORE ME, the undersigned authority, on this day personally appeared the affiant, who after being by me duly sworn, deposes and makes the following statements and accusations under Section 822.042, Health and Safety Code:

I have good reason to believe and do believe the following:

The dog, described as one _____ *(description, including gender, breed, name)* is currently located in the City of _____, _____ County, Texas at _____ *(location)*, which is under the control of _____ (*name of owner)* is a "dangerous dog" as that term is defined in Section 822.041(2), Health and Safety Code.

Owner(s), _____, have failed to comply with the Health and Safety Code, to wit: Section 822.042, Subparagraph (a), which states, in pertinent part:

> Not later than the 30th day after a person learns that the person is the owner of a dangerous dog, the person shall:
>
> (1) Register the dangerous dog with the animal control authority for the area in which the dog is kept;
> (2) Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;
> (3) Obtain liability insurance coverage or show financial responsibility in an amount of at least $100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the animal control authority for the area in which the dog is kept; and
> (4) Comply with an applicable municipal or county regulation, requirement, or restriction on dangerous dogs.

My belief of the foregoing is based on the following facts:

(insert facts about what the affiant knows and specific details about the failure to comply)

Wherefore, Affiant requests the Court set a time for a hearing not later than the 10th day after the date of this application to determine whether the owner of the dog has complied with Section 822.042, Health and Safety Code.

Signed on this the _____ day of _____, 20__.

_____
Affiant

Subscribed and sworn to before me the undersigned authority on this the _____ day of _____, 20___.

_____
(Judge)(Clerk)(Deputy Clerk), Municipal Court

NOTICE OF HEARING: OWNER FAILED TO COMPLY (Sec. 822.0423, H.S.C.)

CAUSE NUMBER: _____

IN RE:	**§**	**IN THE MUNICIPAL COURT**
_____	**§**	**CITY OF _____**
(Name or Description of Dog)	**§**	**_____ COUNTY, TEXAS**

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN, that the above styled and numbered cause is set for hearing as provided by law, in the City of _____ Municipal Court located at: _____ at:

____ : ____ ___.M, ON THE _____ DAY OF _____, 20__

(not later than the 10th day after the date of application)

to determine whether the owner of the above described dog has complied with Section 822.042, Health and Safety Code, "Requirements for Owner of Dangerous Dog."

(municipal court seal)

_____
Judge, Municipal Court

City of _____

_____ County, Texas

Editor's Note: Notice must be given to (1) the owner of the dog or the person from whom the dog was seized; and (2) the person who made the complaint. Sec. 822.0423(b), H.S.C.

DANGEROUS DOG JUDGMENT: OWNER FAILED TO COMPLY (Secs. 822.042, and 822.0423, H.S.C.)

CAUSE NUMBER: _____

IN RE:	**§**	**IN THE MUNICIPAL COURT**
_____	**§**	**CITY OF _____**
(Name or Description of Dog)	**§**	**_____ COUNTY, TEXAS**

JUDGMENT

On this the ____day of _____, 20___, came to be considered the above-referenced matter. This Court, having determined that it has jurisdiction over the subject matter in controversy and that venue was proper, heard the evidence, and considered all pleadings on file with the Court, and having considered the same, **THIS COURT FINDS** that the dog described as a _____ (*gender and breed*) dog owned by _____ *(name of owner)* and known as "_____" *(name of dog)* is a dangerous dog, as that term is defined by Section 822.041(2), Health and Safety Code, and that Owner, _____, has failed to comply with the requirements for the owner of a dangerous dog under Section 822.042, Health and Safety Code.

Specifically, Owner has failed to comply with the following requirement set out in the Order Declaring the Dog a Dangerous Dog, entered on the _____ day of _____, 20___: _____
_____
_____
_____.

IT IS HEREBY ORDERED that the Animal Control Authority for the City of _____ seize the dangerous dog and provide for the impoundment of the dog in secure and humane conditions until the Court orders disposition of the dog.

If the Owner has not complied with the requirements for owning a dangerous dog, as ordered by the Court and required under Section 822.042, Health and Safety Code, by the 11th day after the date on which the dog is seized or delivered, the dog shall be humanely destroyed.

If the Owner does comply with the requirements for owning a dangerous dog by the 11th day after the date on which the dog is seized or delivered, the Animal Control Authority with custody of the dog shall return the dog to the Owner.

IT IS FURTHER ORDERED that the owner shall pay any cost or fee assessed by the City of _____ related to the seizure, acceptance, impoundment, or destruction of the dog.

Signed this _____ day of _____, 20__. _____
Judge, Municipal Court

(municipal court seal) City of _____
_____ County, Texas

. . . . . .

The Court finds the dangerous dog was seized by animal control on the _____ day of _____, 20____.

☐ It is hereby **ORDERED that the dog be destroyed**, as the Owner has not complied with the requirements for owning a dangerous dog, and it is at least 11 days following the date of seizure.

☐ It is hereby **ORDERED that the dog be returned** to the Owner, as the Owner has complied with the requirements as ordered.

_____
Judge, Municipal Court

Date: _____

Editor's Note: Notwithstanding any other law or local regulation, any order to destroy a dangerous dog is stayed for a period of 10 calendar days from the date the order is issued, during which period the dog's owner may file a notice of appeal. Additionally, a court may not order the destruction of a dog during the pendency of an appeal under Section 822.0424, H.S.C.

SEIZURE WARRANT FOR DANGEROUS DOG: OWNER FAILED TO COMPLY (Sec. 822.042, H.S.C.)

CAUSE NUMBER: _____

IN RE:	§	**IN THE MUNICIPAL COURT**
_____	§	**CITY OF _____**
(Name or Description of Dog)	§	**_____ COUNTY, TEXAS**

TO THE ANIMAL CONTROL AUTHORITY FOR THE CITY OF _____, TEXAS - GREETINGS:

Whereas, after a hearing under Section 822.0423, Health and Safety Code, this Court has found that Owner, _____, of the dog described as a _____ (*gender and breed*) and known as "_____" *(name of dog),* a dangerous dog, as that term is defined by Section 822.041(2), Health and Safety Code, has failed to comply with the requirements for the owner of a dangerous dog under Section 822.042, Health and Safety Code.

IT IS THEREFORE ORDERED, that the Animal Control Authority as designated by the City of _____, or another peace officer or other law enforcement agent so ordered by the Animal Control Authority under the laws of the State of Texas **SHALL ENTER UPON AND SEARCH** the suspected place and premises as described below and to there verify the presence of the below described dog and **SHALL SEIZE** the same.

IT IS FURTHER ORDERED that the dog shall be IMPOUNDED in secure and humane conditions until the Court orders the disposition of the dog in accordance with Section 822.042, Health and Safety Code.

You are therefore commanded to forthwith enter and seize:

Dog Description (breed and color): _____

Address Where Animal Kept: _____

Purported Owner and Address: _____

The owner shall pay any cost incurred in seizing the dog.

HEREIN FAIL NOT, but make due service and return of this warrant, showing how you executed the same.

Signed this _____ day of _____, 20__.

(municipal court seal)

_____
Judge, Municipal Court
City of _____

_____ County, Texas

.....

OFFICER'S RETURN

Came to hand the _____ day of _____, 20__, at _____ o'clock ___.m. and executed on the _____ day of _____, 20__, at _____ o'clock ___.m. by _____
_____.

_____
Peace Officer

NOTICE OF APPEAL AND APPEAL BOND: DANGEROUS DOG (Sec. 822.0424, H.S.C.)

CAUSE NUMBER: _____

IN RE:	§	**IN THE MUNICIPAL COURT**
_____	§	**CITY OF _____**
(Name or Description of Dog)	§	**_____ COUNTY, TEXAS**

Whereas, after a hearing under Section 822.0423, Health and Safety Code, this Court has found that the dog described as a _____ (*gender and breed*) dog owned by _____ *(name of owner)* and known as "_____" *(name of dog)* is a dangerous dog, as that term is defined by Section 822.041(2), Health and Safety Code, *[and that Owner has failed to comply with the requirements for the owner of a dangerous dog under Section 822.042, Health and Safety Code]*, from which judgment _____ [*owner's name*] desires to appeal to the County Court (at Law) of _____ County, Texas; and

☐ Requests a jury trial.

Whereas, appellant desires to suspend execution of said judgment pending determination of such appeal;

☐ I, as principal, am hereby depositing in cash in lieu of sureties with the Municipal Court the sum of _____ dollars $_____ *(amount of bond set by judge,)*

☐ WE, _____ (*name of appellant*), as principal, and _____ [*either* _____ (*name of surety company*), a corporate surety company duly qualified and authorized to do business in Texas, *or* _____ (*name*) and _____ (*name*), two good and sufficient sureties], as surety, acknowledge ourselves bound to pay to the Municipal Court, the sum of _____dollars $_____ *(amount of bond set by judge),*

the estimated expenses incurred in housing and caring for the animal(s) while impounded during the appeal process, conditioned, however, that the above-named principal shall prosecute the appeal with effect and shall pay off and satisfy:

(1) any cost or fee assessed by the City of _____ related to the seizure, acceptance, impoundment, or destruction of the dog, as well as

(2) the estimated expenses of housing and caring for the animal(s) during the appeal process, that may be rendered against Appellant on appeal;

of which sum I am held and bound to the State of Texas.

☐ The sum of _____ dollars ($_____) was deposited with the Court by (cash)(money order)(cashier's check) and bond filed on the _____ day of _____, 20___.

☐ **Witness** our hands this the _____ day of _____, 20___.

_____	_____
Signature of Principal	Mailing Address
_____	_____
Signature of Surety	Mailing Address
_____	_____
Signature of Surety	Mailing Address

Approved on this ___ day of _____, 20___.

_____
Judge, Municipal Court
City of _____
_____ County, Texas



FINANCIAL MANAGEMENT & COURT ADMINISTRATION

FINANCIAL MANAGEMENT & COURT ADMINISTRATION

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PAYMENT RECEIPT

CAUSE or CITATION NUMBER(S):
_____
_____
_____
_____
_____
_____

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF _____
_____	§	_____COUNTY, TEXAS

Date: _____

Your (partial) (full) payment of $_____ for the above mentioned Cause or Citations Number(s) has been received.

(The remaining balance due is $_____.)

(municipal court seal)

_____
(Judge) (Clerk), Municipal Court
City of _____

_____, County, Texas

OFFICER MILEAGE LOG (Art. 102.011(b), C.C.P.)

Article 102.011(b), Code of Criminal Procedure, provides:

…A defendant required to pay fees [as court costs for services of a peace officer] shall also pay **29 cents per mile** for mileage required of an officer to perform a service listed in this subsection and to return from performing that service. If the service provided is the execution of a writ and the writ is directed to two or more persons or the officer executes more than one writ in a case, the defendant is required to pay only mileage actually and necessarily traveled. In calculating mileage, the officer must use the railroad or the most practical route by private conveyance. The defendant shall also pay all necessary and reasonable expenses for meals and lodging incurred by the officer in the performance of [these] services, to the extent such expenses meet the requirements of Section 611.001, Government Code.

This subsection applies to:

(1) Conveying a prisoner after conviction to the county jail;
(2) Conveying a prisoner arrested on a warrant or capias issued in another county to the court or jail of the county; and
(3) Traveling to execute criminal process, to summon or attach a witness, and to execute process not otherwise described by Article 102.011.

NAMES	TIME							MILEAGE	
	Year	Month	Day	Hour	Min.	__.m.		Dollars	Cents

_____
Peace Officer's Signature

Editor's Note: This chart can be used for the officer to record mileage for service of a warrant, capias, capias pro fine, summons, parental summons, subpoena, juror summons, or other process not specifically named.

It is a crime to intentionally or knowingly file a fraudulent court record or fraudulent instrument with the Clerk.

Es un delito grave registrar intencionalmente o a sabiendas un documento o un instrumento fraudulento con el actuario del tribunal.

RULE 12 LETTER

Date: _____

Name: _____

Address: _____

City, State, Zip Code: _____

Re: Response to Request for Public Access to Judicial Records

Dear _____,

I am in receipt of your request to inspect judicial records dated _____. This letter was received by the City of _____ Municipal Court on _____. It is my understanding that you are making a request for "judicial records" pursuant to Rule 12 of the Texas Rules of Judicial Administration. In your letter, you requested: _____

_____

_____

_____

Your request seeks records that are not subject to Rule 12 and, by definition, are not "judicial records." Rule 12 expressly states:

> *Judicial record means a record made or maintained by or for a court or judicial agency in its regular course of business but not pertaining to its adjudicative function, regardless of whether that function relates to a specific case. A record of any nature created, produced, or filed in connection with any matter that is or has been before a court is not a judicial record.*

Pursuant to Rule 12.9, Texas Rules of Judicial Administration, you have the right to appeal my decision. If you wish to do so, please direct your timely appeal to:

Administrative Director
Office of Court Administration
P.O. Box 12066
Austin, TX 78701

Although it is my determination that the Public Access to Judicial Records (Rule 12) does not apply to the records you requested, you may have a right to inspect the records under the common law right of the public to inspect court records. However, there are some exceptions.

If you wish to make a request under the "common law" right, you may contact the Court to set a time for the inspection. The Clerk responsible for processing these requests is _____ *(name)* and can be contacted at _____

_____ *(address and telephone number)*.

Sincerely,

_____
Judge, Municipal Court

City of _____

ORDER OF RECUSAL OR DISQUALIFICATION (Sec. 29.055(b), G.C.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____ COUNTY, TEXAS**

ORDER OF (RECUSAL)(DISQUALIFICATION)

Comes now _____, Judge of the_____ Municipal Court, and finds that (on the court's own motion) (on motion of the Defendant) (on motion of the State) that:

Disqualification is appropriate in this cause for the reason that:

- ☐ I am related to a party by affinity or consanguinity within the third degree, as determined under Chapter 573, Government Code.
- ☐ I served as counsel in this case.
- ☐ I have an interest in the outcome of this case or am an injured party in this case.

OR

Recusal is appropriate in this cause based on the following ground(s): _____ _____.

It is hereby ORDERED:

If the judge is not the presiding judge of the Municipal Court:

☐ Pursuant to Section 29.055(b)(1)(A), Government Code, I request the Honorable _____, Presiding Judge of the Municipal Court of _____, to assign another judge to hear this cause.

OR

If the judge is the presiding judge of the Municipal Court or if the judge is the only municipal judge in the municipality:

☐ Pursuant to Section 29.055(b)(1)(B)-(C), Government Code, I request the Honorable _____, Presiding Judge of the _____ Administrative Judicial Region, to assign another judge to hear this cause.

SIGNED this _____day of _____, 20_____.

_____

Judge, Municipal Court

City of _____

Editor's Note: The grounds for recusal are stated in the Texas Rule of Civil Procedure 18b. Grounds for disqualification are set out in the Texas Constitution and Article 30.01 of the Code of Criminal Procedure.

ORDER OF REFERRAL UPON MOTION FOR RECUSAL OR DISQUALIFICATION (Sec. 29.055(c), G.C.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____ COUNTY, TEXAS**

ORDER OF REFERRAL TO HEAR MOTION FOR (RECUSAL) (DISQUALIFICATION)

Pursuant to Section 29.055(c), Government Code, the undersigned Judge hereby refers the attached Motion to Recuse or Disqualify filed in the above-numbered cause to the Honorable _____, Presiding Judge of the _____ Administrative Judicial Region, for assignment of a judge to hear the motion under Section 29.056, Government Code.

SIGNED this _____day of _____, 20_____.

_____
Judge, Municipal Court
City of _____

Editor's Note: The judge shall forward to the Regional Presiding Judge either the original or a certified copy of this Order of Referral, the verified Motion to Recuse/Disqualify filed under Section 29.052, G.C., and any statements filed either opposing or concurring with the motion under Section 29.054, G.C.

BILL OF COSTS (Art. 103.001, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF _____**
_____	**§**	**_____ COUNTY, TEXAS**

BILL OF COSTS

Court Cost Description	Amount	Court Cost Description	Amount
State Consolidated Fee (Sec. 133.102, L.G.C.)	$62.00	Local Consolidated Fee (Sec. 134.103, L.G.C.)	$14.00
State Traffic Fine (Sec. 542.4031, T.C.)	$50.00	Local Traffic Fine (Sec. 542.403, T.C.)	$3.00
Child Safety Fine (Art. 102.014, C.C.P.)	$25.00	Failure to Appear/Violate Promise to Appear Fine (Art. 45.203(c), C.C.P.)	*Not to exceed $25*
Time Payment Reimbursement Fee (Art. 102.030, C.C.P.)	$15.00	Jury Impaneling Reimbursement Fee (Art. 45.026, C.C.P.) (Actual costs incurred)	
Written Notice to Appear Reimbursement Fee (Art. 102.011, C.C.P.)	$5.00	Omnibase Reimbursement Fee (Sec. 706.006, T.C.)	$10.00
Jury Summonsing (Art. 102.011, C.C.P.)	$5.00	Scofflaw Reimbursement Fee (Sec. 702.003(e-1), T.C.)	$20.00
Serving a Writ Not Otherwise Listed (Art. 102.011, C.C.P.)	$35.00	Third Party Collections (Art. 103.0031, C.C.P)	30% of the unpaid fines, fees, costs, restitution, or forfeited bonds
Warrant Reimbursement Fee (Art. 102.011, C.C.P.)	$50.00	Defensive Driving Reimbursement (Art. 45.0511(f)(1))	$10.00
Serving a Subpoena (Art. 102.011, C.C.P.)	$5.00		
		Other Costs* (costs for peace officer's time testifying off-duty or mileage for certain transports)	**Calculated according to Art. 102.001(b), C.C.P.*
		Total	**$**

(municipal court seal)

_____
(Judge) (Clerk), Municipal Court
City of _____

_____, County, Texas

_____
Date

Editor's Note: Costs and fees will vary depending on many factors.



PROSECUTOR FORMS

PROSECUTOR FORMS

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PROSECUTOR'S ADMONISHMENT

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF_____**
_____	**§**	**_____ COUNTY, TEXAS**

PROSECUTOR'S ADMONISHMENT TO THE DEFENDANT

Be it known that, _____, the Defendant, has been charged by the State with the offense(s) of _____.

On this the _____ day of _____, 20___, the prosecutor comes to admonish the defendant as to the prosecutor's role in this case and the prosecutor's conference, and to inform the defendant of the defendant's rights.

The prosecutor is the attorney for the State of Texas. If your case goes to trial, the prosecutor will present the State's evidence against you. The prosecutor can recommend that the charges against you be dismissed if the evidence shows that no crime was committed or that you have a legal defense to the charges.

You are not required to discuss your case with the prosecutor.

AT THE PROSECUTOR'S CONFERENCE:

1) You can discuss whether you are pleading guilty, not guilty, or no contest to the charge(s) against you;
2) You can explain your side of the story if you wish to do so;
3) The prosecutor can explain various sentencing options including deferred disposition, driving safety courses, community service, jail credit for time served, and payment plans; and
4) The prosecutor can explain trial procedures in the _____ Municipal Court if you should desire a trial.

SUMMARY OF YOUR RIGHTS:

1) You have the right to remain silent;
2) If you choose to speak, anything you say may be used against you;
3) You have the right to end the conference at any time;
4) You have the right to hire an attorney to represent you and provide you with legal advice;
5) You have the right to a trial by jury or by the judge;
6) You have the right to refuse a plea bargain if one is offered to you; and
7) You cannot be penalized in any way for exercising any of your rights.

ACKNOWLEDGMENT

I acknowledge that I have been made aware of my rights as a defendant, my rights have been fully explained to me, and I understand my rights. I have also been told of the nature of the prosecutor's conference. Having been informed of my rights, I knowingly and voluntarily agree / decline (circle one) to discuss my case with the prosecutor.

Signed this the _____ day of _____, 20___.

_____
Defendant's Signature

_____
Address

_____
City, State Zip Code

_____
Telephone Number

WAIVER OF RIGHT TO BE PROSECUTED BY COMPLAINT (Art. 27.14(d), C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF_____**
_____	**§**	**_____COUNTY, TEXAS**

DEFENDANT'S WAIVER OF RIGHT TO BE PROSECUTED BY COMPLAINT

NOW COMES DEFENDANT, _____, joined by the State of Texas and files this Waiver of Rights to be prosecuted by Complaint. The Defendant waives the right to a sworn complaint that complies with Articles 45.018 and 45.019, Code of Criminal Procedure, and files this waiver pursuant to Article 27.14(d), Code of Criminal Procedure. The Defendant acknowledges the receipt of notice of the charge against the defendant by receipt of the citation in this cause. Further, the Defendant waives any right to timely notice under Article 45.018(b), Code of Criminal Procedure.

Respectfully submitted,

_____
Defendant

_____
Attorney for Defendant

AGREED:

_____
Prosecuting Attorney

APPROVED BY THE COURT:

_____ DATE: _____
Judge Presiding

City of _____

_____ County, Texas

(municipal court seal)

SENTENCE RECOMMENDATION IN EXCHANGE FOR WAIVER OF APPEAL

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF_____**
_____	**§**	**_____ COUNTY, TEXAS**

DEFENDANT'S WAIVER OF RIGHT TO APPEAL

Now Comes the Defendant in the above entitled and numbered cause:

As denoted by my initials, I understand the following:
☐ The Court is not required to follow the sentence recommendation set forth below.
☐ I will be allowed to withdraw my plea if the Court does not follow the sentence recommendation made pursuant to this agreement.
☐ If the punishment given to me does not exceed the punishment recommended by the State, I may not appeal, without the permission of the Court.
☐ The following sentence recommendation does not include court costs, which are non-negotiable.
☐ In the event that the Court grants the State's request for deferred disposition, failure to comply with the orders of the Court may result in a final conviction and the imposition of the fine.
☐ In exchange for the State's sentence recommendation, I am knowingly, intelligently, and freely agreeing to waive my right to appeal.
☐ I agree to the following sentence recommendation.

Now Comes the State of Texas in the above entitled and numbered cause:

Upon the acceptance and approval by the Court of the Defendant's waivers and plea, the State, in exchange for the Defendant's agreed plea - open plea of guilty or no contest, recommends the following (check all that apply):

☐ A fine in the amount of $_____, excluding court costs;
☐ Restitution in the amount of $_____ to the victim, namely, _____ (*insert name of victim*); and/or
☐ Any other sanction authorized by law, specifically _____.

Alternatively, the State recommends that the Court:

☐ Defer disposition in this matter without entering an adjudication of guilt and place the Defendant on probation for a period of _____ days (not to exceed 180 days);
☐ Order the following conditions of deferred disposition:
_____
_____
_____.

_____ _____
Defendant City Attorney/Deputy City Attorney

The Court after explaining the Defendant's right to appeal finds that the Defendant understands the consequences of waiving the right to appeal and that such waiver was made voluntarily, knowingly, and intelligently. Accordingly, said waiver is accepted by this Court and ORDERED filed of record in the minutes of this case.

_____ _____
Date Judge Presiding
(municipal court seal)

Editor's Note: For further reference, see *The Recorder*, "Waiver of Right to Appeal in Local Trial Courts of Limited Jurisdiction," Vol. 12, No. 4 (May 2003).

MOTION FOR DISQUALIFICATION/RECUSAL OF JUDGE (Sec. 29.052, G.C.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF_____**
_____	**§**	**_____ COUNTY, TEXAS**

STATE'S MOTION FOR RECUSAL/DISQUALIFICATION

Comes now the State of Texas, by and through _____, the attorney for the State, and files this Motion for Recusal / Disqualification based on the following grounds:

- ☐ the judge is related to a party by affinity or consanguinity within the third degree, as determined under Chapter 573, Government Code
- ☐ the judge served as counsel in this case
- ☐ the judge has an interest in the outcome of this case or may be an injured party in this case
- ☐ other: _____.

I.

The State alleges these grounds for recusal/disqualification based on personal knowledge that is supported by admissible evidence or based on the specifically states grounds for belief of the allegations, said grounds being: _____ _____ _____.

II.

This motion is filed at least 10 days before the date of the scheduled hearing or trial, or at the earliest practicable time before the beginning of the trial or other hearing as the judge was assigned to this case 10 or fewer days before the scheduled hearing or trial.

III.

Wherefore, premises considered, the State prays that this Honorable Court grant said motion and that another judge be assigned to preside over this cause.

Respectfully submitted,

_____
(Name)

_____
(Position)
State Bar Card Number: _____

I hereby certify that a true and correct copy of this State's Motion for Recusal/Disqualification was delivered to (the Defendant) (Counsel for the Defendant), on this the _____ day of _____, 20___.

_____
(Name)

_____
(Position)
State Bar Card Number: _____

MOTION FOR CONTINUANCE (Ch. 29, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF_____**
_____	**§**	**_____ COUNTY, TEXAS**

STATE'S MOTION FOR CONTINUANCE

To the Honorable Judge of Said Court:

Comes now the State of Texas, by and through _____, the attorney for the State, and moves the Court to continue this cause from its present setting. In support thereof, the State would respectfully show unto the Court the following:

I.

(State reasons for continuance.)

II.

This motion is not sought for delay, but so that justice may be served. The State has used due diligence and will proceed with prosecution at such time as the Court directs. Further, this motion has been (agreed to)(not agreed to) by (the Defendant)(Counsel for the Defense).

III.

Wherefore, premises considered, the State prays that this Honorable Court grant said motion and that this cause be continued to another date.

Respectfully submitted,

_____
(Name)

_____
(Position)
State Bar Card Number: _____

I hereby certify that a true and correct copy of this State's Motion for Continuance was delivered to (the Defendant) (Counsel for the Defendant), on this the _____ day of _____, 20___.

_____
(Name)

_____
(Position)
State Bar Card Number: _____

ORDER

On this the _____ day of _____, 20___, came on to be considered the State's Motion for Continuance. The Court having considered said motion is of the opinion that the State's Motion for Continuance should be (granted)(denied). This cause is hereby continued until the _____ day of _____, 20___.

Signed this the _____ day of _____, 20___.

_____
(municipal court seal) Judge Presiding

MOTION AND ORDER TO DISMISS (Art. 32.02, C.C.P.)

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE MUNICIPAL COURT**
VS.	**§**	**CITY OF_____**
_____	**§**	**_____ COUNTY, TEXAS**

STATE'S MOTION TO DISMISS

Now comes the State of Texas, and moves the Court to dismiss the above entitled and numbered criminal action, for the reason that *(set out the reasons for dismissal)*:

☐ The evidence, at this time, is insufficient;*

☐ The complaining witness has requested dismissal;

☐ The case has been refiled as Cause Number _____;

☐ The Defendant was instead convicted in Cause Number _____;

☐ The Defendant is unapprehended, and the passage of time makes successful prosecution unlikely;

☐ The Defendant is deceased;

☐ The Defendant has a valid affirmative defense to prosecution: _____;

☐ The Defendant has remedied the defect or nuisance that is the subject of this offense;

☐

☐ It is in the interest of justice; and/or

☐ Other: _____.

_____
(Deputy) City Attorney

State Bar Card Number: _____

ORDER TO DISMISS

On this the _____ day of _____, 20___, came on to be heard the above and foregoing Motion to Dismiss by the Attorney for the State who moved the Court to dismiss this cause.

The Court, having duly considered said motion, determines that said cause should be dismissed. ☐ with prejudice

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that this cause be, and the same is, hereby dismissed. A copy of this order shall be delivered to the Defendant.

SIGNED AND ENTERED this _____ day of _____, 20___.

(municipal court seal)

_____
Judge Presiding

***Editor's Note:** DPS cannot continue to deny the renewal of a person's driver's license under Chapter 706, T.C. (OmniBase) after receiving notice that the charge on which the person failed to appear was dismissed with prejudice by motion of the appropriate prosecuting attorney for lack of evidence (clearance notice is required upon such a dismissal). Likewise, a person may not be required to pay an administrative fee ($30) after such a dismissal. See, Sections 706.005 and 706.006, T.C.

WRIT OF PROCEDENDO: JOINT APPLICATION

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE COUNTY COURT OF**
VS.	**§**	**_____COUNTY, TEXAS**
_____	**§**	

AGREED APPLICATION FOR WRITT OF PROCEDENDO

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes the undersigned Defendant and the State of Texas in applying for a Writ of Procedendo.

This application stems from the appeal of a conviction in the Municipal Court of _____, Docket No. _____. Pursuant to a judgment in said cause, dated _____ ____, 20___, the Defendant was convicted of the offense of _____and ordered to pay fine and costs in the amount of $_____. Thereafter, the Defendant appealed to this Honorable Court.

The Defendant now requests to abate and dismiss said appeal.

The State has no objection to dismissing the appeal and requests with the Defendant that the above styled and numbered cause be dismissed and remanded to the Municipal Court of _____, _____ County, Texas, for the entry of a final judgment.

Wherefore, the undersigned parties now pray that this Application for a Writ of Procedendo be granted.

Respectfully submitted,

_____ _____
Defendant Pro Se Prosecuting Attorney

_____
Defense Counsel

ORDER

On this the _____day of _____, 20___, the Court considered and granted the Application for the Writ of Procedendo.

IT IS HEREBY ORDERED that the appeal in the above styled and numbered cause be abated, dismissed, and remanded to the Municipal Court of _____, _____ County, Texas, as a final judgment.

SIGNED this _____day of _____, 20___.

WRIT OF PROCEDENDO: STATE APPLICATION

CAUSE NUMBER: _____

STATE OF TEXAS	**§**	**IN THE COUNTY COURT OF**
VS.	**§**	**_____ COUNTY, TEXAS**
_____	**§**	

STATE'S APPLICATION FOR WRIT OF PROCEDENDO

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes the State of Texas in applying for a Writ of Procedendo.

This application stems from the appeal of a conviction in the Municipal Court of _____, Docket No. _____. Pursuant to a judgment in said cause, dated _____ (*date, month, and year)*, the Defendant was convicted of the offense of _____and ordered to pay fine and costs in the amount of $_____. Thereafter, the Defendant appealed to this Honorable Court.

☐ The State now request that the Defendant's appeal be abated and dismissed for the following reason:

☐ The Defendant's appellate bond is defective and invalid [*Minchew v. State*, 366 S.W.2d 942 (Tex. Crim. App. 1963].

☐ The Defendant's appeal bond was not timely filed (Art. 45.0426, C.C.P.).

☐ The State has no objection to dismissing the appeal and requests with the Defendant.

Wherefore, the State now prays that this Application for a Writ of Procedendo be granted and that the above styled and numbered cause be dismissed and remanded to the Municipal Court of _____, _____ County, Texas, for the entry of a final judgment.

Respectfully submitted,

_____
Prosecuting Attorney

ORDER

On this the _____day of _____, 20___, the Court considered and granted the Application for the Writ of Procedendo.

IT IS HEREBY ORDERED that the appeal in the above styled and numbered cause be abated, dismissed, and remanded to the Municipal Court of _____, _____ County, Texas, as a final judgment.

SIGNED this _____day of _____, 20___.