

THE RECORDER

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NAVIGATING THE FOUR TERRITORIES OF MUNICIPAL COURT JAIL CREDIT



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I. The Landscape

Few topics generate more confusion in municipal court than jail credit. A defendant asks whether he can “lay out” a fine and costs. A clerk receives a letter from a defendant in the county jail wanting credit toward an unpaid fine. A judge learns that a defendant has spent several days in jail and wants to know whether that time should reduce the amount owed in a pending municipal case. Can these things happen?

The answer is often yes but not always. The difference depends entirely on when the confinement occurred, why the defendant was confined, and where the case sits procedurally.

The challenge is that “jail credit” is not a single rule. It is a landscape of distinct statutes that apply at different stages of a case. Before a court can determine whether credit is required, it must first determine where in that landscape the request belongs.

Recent amendments enacted through H.B. 16 during the Second Special Session of the 89th Legislature have renewed interest in the subject. The legislation amended Article 45A.251(e) of the Code of Criminal Procedure by adding the phrase “awaiting trial or,” expanding a category of mandatory jail credit that previously applied only when a defendant was serving a sentence for another offense. Although the amendment broadened the availability of credit, it did

not fundamentally alter the framework governing jail credit in municipal courts, which remains anchored in the judgment stage of a case.

Confusion surrounding jail credit often begins with legally inaccurate assumptions. Municipal courts do not possess jurisdiction over offenses punishable by confinement.¹ Municipal court judgments impose fines and costs,² not jail sentences. Consequently, confinement associated with a municipal court case is not punishment for the offense itself. Rather, it results from pre-judgment custody or post-judgment enforcement procedures. How can municipal judges and court personnel successfully navigate this landscape? By dividing the landscape into four distinct “territories.” Once a court determines which territory a jail credit request is in, the analysis is simplified. The territories are:

Territory 1: Same Case Credit (Article 45A.251(d))

Territory 2: Separate Case Credit (Article 45A.251(e))

Territory 3: Post-Judgment Enforcement Credit (Articles 45A.261 and 45A.262)

Territory 4: Extra-Statutory Credit

The first two territories operate the moment judgment is imposed. The third arises after judgment when a defendant defaults in complying with the judgment. The fourth consists of situations that frequently arise

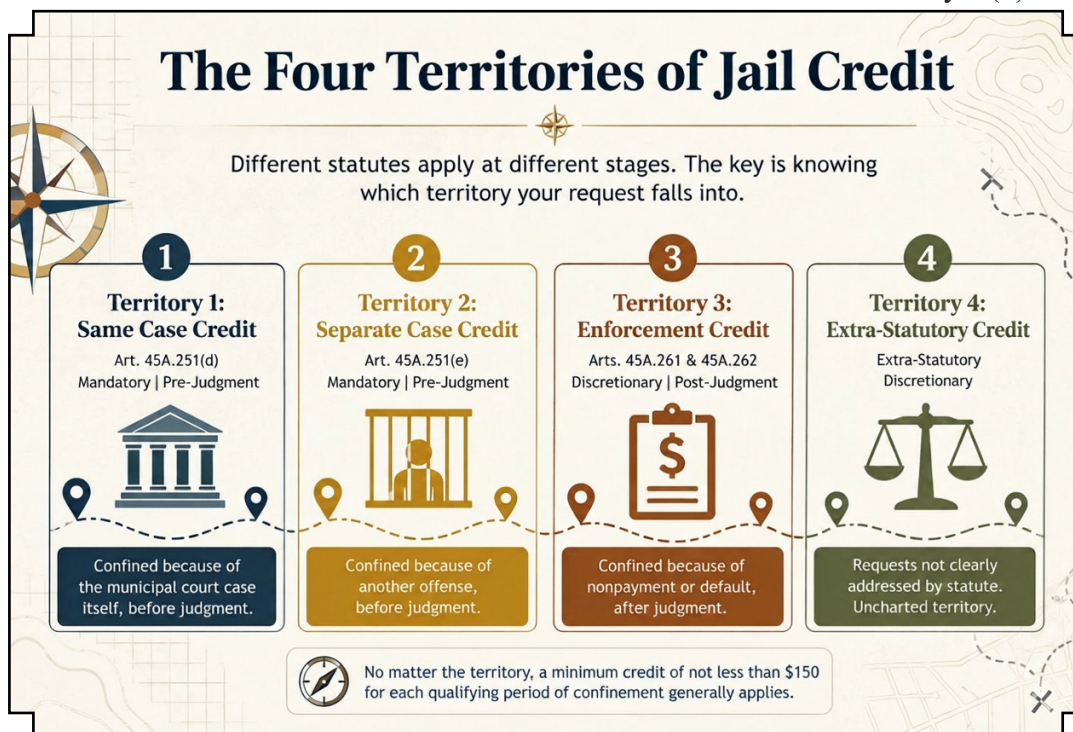
in practice but are not expressly addressed in the Code of Criminal Procedure.

When a jail credit request is received, judges might attempt to quickly decide whether it is eligible by using a smell test. But with the recent legislative

II. Territory 1: Same Case Credit

Same case credit under Article 45A.251(d) only applies when a defendant is confined pre-judgment *as part of the case* whose judgment the jail credit will eventually be applied to. This usually comes up in one of two ways: (1) the defendant is arrested and

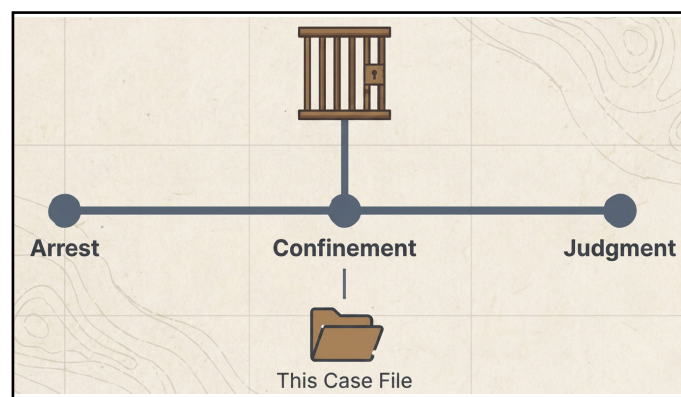
confined for committing a fine-only crime, such as public intoxication; or (2) the defendant is arrested and confined after a municipal judge issues an arrest warrant, perhaps because the defendant did not appear for their court date after being cited for a fine-only misdemeanor. Because the confinement must stem from the same case, it is not possible for any confinement that occurred prior to the offense date to trigger credit under Article



changes and increasingly complex jail credit terrain, judges are finding that brisk analyses are leading to confusion and uncertainty. First determining the applicable territory makes the calculus more manageable. In determining the territory, the two key questions are *when* the confinement occurred and *which case* gave rise to the confinement.

Each territory has its own specific features, which makes determining the territory at the outset so crucial. Regardless of the territory, however, a minimum credit of not less than \$150 for each qualifying period of confinement generally applies. For some defendants, this may be one of the most significant statutory mechanisms available for satisfying fines and costs in municipal courts. The remainder of this article will detail each of the four territories with the goal of giving municipal courts the knowledge to accurately determine whether a period of confinement is eligible for mandatory jail credit.

45A.251(d). The following graphic illustrates the timeframe in which confinement triggers same case credit:



Note: if a defendant is confined on the same case *after* judgment is rendered, navigate to Territory 3.

Judges have no discretion whether to grant same case credit if the defendant was confined pre-judgment as part of a case before them: it is mandatory.³ Being part of the judgment statute, however, means that this mandatory credit does not trigger until a judgment is

rendered and the defendant owes money. Jail credit can reduce or eliminate the amount owed, but it does not change the fact that the defendant has been convicted. To determine the same case credit rate, courts specify a period between 8 and 24 hours to discharge \$150 of the fine and costs.⁴

Importantly, if a defendant has multiple fine-only charges before a municipal court, same case credit under 45A.251(d) only applies to confinement as part of the charge that the judge is imposing a judgment on. Say a defendant has two pending charges before the same municipal court: public intoxication and speeding. The defendant received a speeding citation and, several months later, spent time in jail for public intoxication. If the municipal court imposes a judgment on the public intoxication charge, same case credit would be mandatory. However, if the defendant requests jail credit against the amount owed on the speeding judgment based on time spent in jail for public intoxication, Article 45A.251(d) does not apply because these are two different cases. For time spent confined on *other* cases, whether fine-only or higher crimes, navigate to Territory 2.

What if a defendant is held on multiple municipal court warrants at the same time? For example, a defendant is arrested and spends eight hours in jail on municipal court warrants for a theft charge *and* a no driver's license charge. Following this confinement, separate guilty judgments are rendered for each charge. Here, credit would be applied *concurrently*.⁵ This means that eight hours of credit would be applied to each judgment for a total of 16 hours of same case credit granted under Article 45A.251(d)—even though the defendant only spent eight hours in jail.

III. Territory 2: Separate Case Credit

Territory 1 applies when a defendant seeks credit for confinement that arose from the same municipal court case. Territory 2 is entirely different. Article 45A.251(e), which covers “separate case” credit, addresses confinement that occurred in connection with *another* offense. The defendant's time in custody is completely unrelated to the municipal court case in which judgment is being imposed. Yet, under certain circumstances, the Legislature has determined that credit for the confinement must nevertheless apply

towards the amount of fine and costs assessed in the municipal court case.

During the Second Special Session of the 89th Legislature, H.B. 16 significantly broadened this category of jail credit. Prior to the amendment, Article 45A.251(e) required a judge to credit a defendant for time spent confined in jail or prison only while *serving a sentence* for another offense if the confinement occurred after the commission of the Class C misdemeanor but before the Class C misdemeanor judgment. H.B. 16 expanded the statute by requiring credit in instances where a defendant was “awaiting trial” for another offense.

As amended, Article 45A.251(e) provides: *In addition to [same case credit], in imposing a fine and costs in a case involving a misdemeanor punishable by fine only, the justice or judge shall credit the defendant for any period the defendant was confined in jail or prison while awaiting trial or serving a sentence for another offense if that confinement occurred after the commission of the misdemeanor.*

As Class C misdemeanor sentences cannot include jail time, credit under the previous version of Article 45A.251(e) could only be given for time spent in jail on Class B misdemeanor or higher offenses. The addition of “awaiting trial” expands the statute to include periods of pretrial confinement for separate Class C misdemeanors that occur after the commission of the municipal court offense to which credit is being applied. Going back to the hypothetical in the previous section, in imposing a fine and costs for the speeding charge, the court might be required under Article 45A.251(e) to give jail credit for time spent in jail following the public intoxication arrest. (The ultimate conclusion here, however, hinges on the meaning of “awaiting trial,” which is discussed later.)

Importantly, H.B. 16 did not create a new type of jail credit. Rather, it expanded an existing category of mandatory credit. This credit remains part of the municipal court judgment statute, and the credit remains tied to the process of imposing judgment.

A. The Judgment-Stage Anchor

Just like Territory 1 (same case credit), one of the most important aspects of Article 45A.251(e) is its

placement within the judgment statute itself. The Legislature directs that the judge “shall credit” the defendant “in imposing a fine and costs.” This language suggests that granting jail credit is intended to occur only at the moment judgment is entered.

This timing requirement provides a useful analytical framework. Unlike post-judgment enforcement credit, which arises only after a defendant defaults on a judgment, Article 45A.251(e) requires the court to look backward from the date of judgment and determine whether qualifying confinement occurred after the commission of the offense but before judgment is imposed.

Accordingly, the relevant period is bounded by two chronological bookends that qualifying confinement must occur between: the offense date and the judgment date.

B. A Four-Step Analysis

When determining whether credit is required under Article 45A.251(e), courts may find it useful to follow four steps:

Step One: Did the confinement occur after the commission of the municipal court offense?

The statute expressly requires that the confinement occur after commission of the Class C misdemeanor that credit is being applied to. If the confinement predates the offense before the municipal court, no credit is required under subsection (e).

Step Two: Was the confinement for another offense?

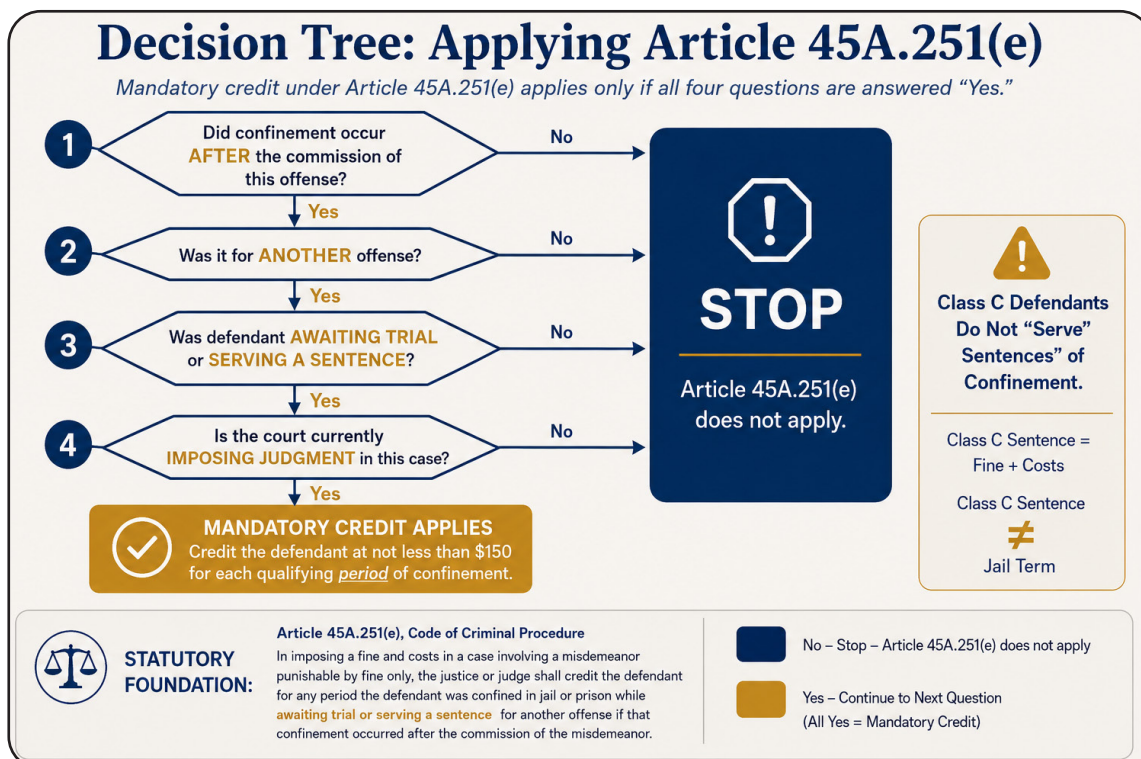
Subsection (e) applies only when the confinement is related to another offense. If the confinement arose from the municipal court case itself, navigate back to Territory 1.

Step Three: Was the defendant awaiting trial or serving a sentence?

The phrases “awaiting trial” and “serving a sentence” refer to the other offense that produced the confinement. This distinction is critical.⁶ The case which credit is being applied to cannot be the source of the confinement. Rather, the municipal court judgment receives the benefit of confinement that occurred elsewhere in the criminal justice system.

Step Four: Is the court currently imposing judgment?

Article 45A.251(e) directs the court to apply the credit “in imposing a fine and costs.” As discussed above, subsection (e) is a judgment-stage provision rather than a post-judgment remedy.



C. Why “Awaiting Trial” Matters

Although the amendment to Article 45A.251(e) adds only three words (“awaiting trial or”), its impact is significant. Prior to H.B. 16, the statute applied only when a defendant was confined while serving a sentence for another offense. This could and can still only mean confinement resulting from a Class B misdemeanor or higher offense.

The reason is straightforward: a defendant convicted of a Class C misdemeanor in municipal court cannot receive a sentence of confinement. Article 45A.251(a) provides that the judgment and sentence in a fine-only case is that the defendant pay the amount of the fine and costs to the state. Consequently, a defendant cannot be “serving a sentence” of confinement on a municipal court conviction.

The addition of the phrase “awaiting trial” substantially expands the universe of confinement that must now be considered when imposing judgment. Defendants may now qualify for mandatory credit based upon periods of pretrial confinement for another offense, including a separate Class C misdemeanor occurring after the commission of the municipal court offense to which credit is being applied even when no sentence has yet been imposed in the separate case.

Consider a common example, which was first introduced in the discussion of Territory 1. A defendant receives a citation for speeding. Several months later, the same defendant is arrested for public intoxication and remains in county jail pending disposition of that charge. If the defendant is subsequently convicted of speeding, the court must determine whether the period of confinement for public intoxication qualifies for credit under Article 45A.251(e).

Before H.B. 16, the answer would have been no because the defendant was not serving a sentence for another offense. Following the amendment, the answer may be yes because the defendant was confined while awaiting trial on another offense after the commission of the offense to which credit is being applied. The statute does not provide a definition for “awaiting trial.” Therefore, it is ultimately up to the judge imposing the judgment to

decide whether a term of pre-trial confinement was spent “awaiting trial.” Courts should therefore resist the temptation to view H.B. 16 as creating a new form of post-judgment relief. Instead, the amendment broadens the category of confinement (Territory 2) that must be considered before judgment is entered. The focus remains the same: identifying qualifying confinement and ensuring that mandatory credit is accurately reflected in the judgment.

D. Identifying and Verifying Qualifying Credit

While Article 45A.251(e) mandates that a judge award qualifying credit, it does not explain how a court is supposed to discover the confinement in the first place. The statute does not prescribe a procedure for identifying qualifying confinement, establish a burden of proof, or specify what documentation must be provided to the court.

This statutory silence creates what might be called an “awareness challenge.” A court cannot award credit for confinement of which it is unaware. Yet because the credit is mandatory, courts should take reasonable steps to identify qualifying confinement before judgment is imposed.

One practical solution is to make inquiry part of the sentencing process. When a defendant appears in open court, the judge may simply ask whether the defendant has been confined in jail or prison since the commission of the offense. A more focused inquiry might ask whether the defendant has spent time confined while awaiting trial or serving a sentence for another offense after the date of the municipal court offense.

Such an inquiry is consistent with the broader trend in Texas law requiring courts to gather information relevant to the proper disposition of a case before entering judgment. Just as courts routinely inquire into a defendant’s ability to pay,⁷ courts may find it useful to inquire about confinement that could affect the amount ultimately owed.

In practice, qualifying confinement may come to the court’s attention in various ways. The defendant may mention the confinement during an initial appearance while entering a plea. Court records may already contain information suggesting a period

of incarceration. In other instances, the court may receive correspondence from a defendant currently incarcerated elsewhere requesting credit toward an outstanding municipal court obligation.

Once the issue is raised, the court should make a reasonable effort to verify the period of confinement. Article 45A.251(e) does not prescribe any particular form of proof. Depending on the circumstances, courts may consider jail records, commitment orders, sentencing documents from another court, or other reliable evidence establishing the dates and nature of the confinement.

Importantly, the court's task is not simply to determine whether the defendant was confined. The court must also determine whether the confinement satisfies each requirement of Article 45A.251(e). The confinement must have occurred after the commission of the offense to which credit is being applied, must have been related to another offense, and must have occurred either awaiting trial or serving a sentence.

Because the statute contemplates applying credit when imposing the judgment, courts should resolve questions regarding qualifying confinement before entering judgment whenever possible. Doing so ensures that the judgment accurately reflects all mandatory credit and reduces the likelihood of future disputes concerning the amount owed.

E. What H.B. 16 Did Not Change

While H.B. 16 affected what may qualify for mandatory credit under Article 45A.251(e), it did not alter the fundamental structure of municipal court judgments. It did not create a sentence of confinement in fine-only cases.

Likewise, the amendment did not transform Article 45A.251(e) into a post-judgment remedy. The statute remains tied to the judgment process and contemplates identifying and applying qualifying credit when imposing the judgment.

Finally, H.B. 16 did not create a statutory right or avenue to "lay out" a fine or otherwise satisfy a judgment through confinement. It focused on judgment-stage credit and did not amend the separate

statutory framework governing post-judgment enforcement.

Understanding what H.B. 16 changed is important. Understanding what it did not change may be equally important. The amendment broadened the category of qualifying confinement under Article 45A.251(e), but it did not alter the distinction between judgment-stage credit and post-judgment enforcement.

IV. Territory 3: Post-Judgment Enforcement Credit

Unlike Territories 1 and 2, Territory 3 is not part of the judgment statute. When a defendant fails to satisfy (i.e., pay) a municipal court judgment and other prerequisites are met,⁸ the municipal judge may issue a *capias pro fine* for the defendant's arrest.⁹ Following the defendant's arrest on a *capias pro fine* and certain determinations made by the judge, the judge may order the defendant confined until the judgment is satisfied.¹⁰ For each period of 8-24 hours spent confined on a municipal court commitment order, not less than \$150 of the amount owed is deemed satisfied.¹¹

It is possible for a municipal judge to order a defendant committed on multiple unsatisfied judgments at the same time. Unless the judge specifies otherwise, such commitment orders are presumed to be consecutive, or "stacked," meaning that the judgments are satisfied one after another (as opposed to concurrent credit described in the discussion of Territory 1 same case credit).¹³

V. Territory 4: Extra-Statutory Credit

A. Uncharted Territory

Not every jail credit request fits within the statutory frameworks discussed thus far. For example, municipal courts occasionally receive "jail letters" from currently incarcerated defendants that ask that their present time in jail or prison be applied toward outstanding municipal court judgments. These requests might arrive months or even years after judgment has been entered. Any credit awarded under these circumstances falls outside the statutory jail credit framework discussed in Territories 1 through 3. The authors' review of relevant authorities identified

no statute or case law that outlines the parameters, rate, or process for awarding such credit. This is indeed uncharted territory.

The question is no longer whether a defendant is entitled to mandatory credit at the time judgment is imposed. The question becomes whether a court should grant relief in a situation where it is not statutorily obligated to do so. The authors identified no authority that *requires* awarding jail credit when a request falls outside the scope of Territories 1-3.

B. Navigating the Gray Area

Faced with these requests, courts may respond in different ways. Some courts simply decline to grant credit because there is no statute that authorizes it. Others may consider whether alternative remedies authorized by Chapter 45A, such as waiver or community service credit, are appropriate under the circumstances.¹⁴ Still others may seek to account for the confinement in some manner based upon the particular facts and circumstances presented.

Regardless of the approach taken, courts should recognize the distinction between mandatory jail credit and discretionary decisions concerning the continued enforcement of a judgment. Mandatory jail credit arises from specific statutory authority. Requests falling outside those statutes raise different legal and administrative considerations.

Courts should also exercise caution in characterizing relief as “jail credit” when the statutory provisions

governing jail credit do not directly apply. The terminology used in orders, case records, and reporting may have implications beyond the immediate disposition of the case.

C. Reporting and Recordkeeping Considerations

Additional complications may arise when courts attempt to document or report the disposition of these cases. Because such requests do not fit neatly within the statutory jail credit framework, courts should be mindful of how any action taken is reflected in court records and reports submitted to the Office of Court Administration.

The existence of difficult cases does not necessarily expand the scope of the jail credit statutes. Rather, these situations illustrate the importance of identifying the legal authority upon which the court is acting and distinguishing between mandatory jail credit authorized by law and other discretionary decisions concerning the management and enforcement of judgments.

VI. Conclusion

Traversing the jail credit landscape has always been challenging. Recent legislative changes have made the journey even more arduous. Municipal judges, court personnel, and prosecutors may sometimes feel lost without a compass. When faced with requests for jail credit, determine which of the four territories the confinement falls under. The path forward should be clear from there.

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1. Municipal court jurisdiction generally extends to fine-only offenses arising under state law and municipal ordinances. Article 4.14(c) of the Code of Criminal Procedure defines a fine-only offense as one punishable by a fine and any other sanction authorized by statute that does not consist of confinement in jail or imprisonment. *See* Tex. Crim. Proc. Code Ann. § 4.14(b)–(c).
2. The judgment and sentence for a conviction in a criminal action before a justice or judge is that the defendant pay the amount of the fine and costs to the state. Tex. Crim. Proc. Code Ann. § 45A.251(a).
3. Article 45A.251(d) states that “[t]he justice or judge shall credit the defendant for time served in jail...” [emphasis added].
4. Tex. Crim. Proc. Code Ann. §§ 45A.251(d); 45A.262(b).
5. *See Hannington v. State*, 832 S.W.2d 355 (Tex. Crim. App. 1992).
6. Notably, the phrases “serving a sentence” and “awaiting trial” do not appear in Article 45A.251(d) (“same case credit”).
7. *See* Tex. Crim. Proc. Code Ann. § 45A.252 (requiring inquiry into ability to pay in cases in which a defendant enters a plea in open court).
8. *See* Tex. Crim. Proc. Code Ann. § 45A.259(d).
9. Tex. Crim. Proc. Code Ann. § 45A.259(a).
10. Tex. Crim. Proc. Code Ann. § 45A.261(a).
11. Tex. Crim. Proc. Code Ann. § 45A.262.
12. *See* Tex. Crim. Proc. Code Ann. § 45A.259(b)–(c).
13. *See Ex parte Minjares*, 582 S.W.2d 105 (Tex. Crim. App. 1979).
14. *See* Tex. Crim. Proc. Code Ann. §§ 45A.257; 45A.254.

45A CONVERSION CHART 2.0

Chapter 45A to 45, C.C.P. Conversion Chart 2.0					
SUBJECT	Ch 45A	Ch 45	SUBJECT	Ch 45A	Ch 45
Chapter Objectives	45A.001	45.001	Forfeiting Cash Bonds, New Trials	45A.256	45.044
"Complaint" Definition	45A.002(1)	45.012(a)	Fine and Cost Waivers	45A.257	45.045
"Cost" Definition	45A.002(2)	45.004	Recommendation of Fine/Costs	45A.258	45.045
Chapter Applicability	45A.003	45.002	Certias Pro Fine	45A.259	45.045
Notice of Evidence	45A.004	45.011	Religious/Video Appearances	45A.260	45.051
Justice Court Prosecutions	45A.005(a)–(g)	45.001	Commitments	45A.261	45.045
Municipal Prosecutions	45A.005(c)–(d)	45.001(a)–(c)	Jail Discharge	45A.262	45.045
Municipal Attorney Duty	45A.006	45.001(d)	Civil Collection	45A.263	45.047
Electronically Created Records	45A.007(a)	45.012(a)–(f), (h)	Continuances	45A.264	45.053
Docket Information	45A.007(b)	45.012(b)	Deferred Disposition Eligibility	45A.261	45.051(f)
Court Suits	45A.002	45.012(g)	Deferred Disposition (Deferred)	45A.262	45.051(g)
Docket	45A.003	45.012(h)	Deferred Requirements	45A.263	45.051(a)–(i), (k), (l)
Filing by Mail	45A.004	45.012	Deferred Requirements, Young Defendant Missing Citation	45A.264	45.051(a)–(i), (k), (l)
Confidentiality	45A.005	45.018	Deferred Dismissals	45A.265	45.051(c), (d)
Complaint Requirements	45A.010(a)–(f)	45.002(a)–(d), (g)	Deferred Show Cause	45A.266	45.051(c)–(i)
Complaints	45A.010(g)	45.010(b)	Deferred Show Cause Judicial Actions	45A.267	45.051(a)–(i), (k), (l)
Objection to Complaint	45A.102	45.010(c)	DIS/MOC Applicability	45A.261	45.051(a)–(i), (k), (l)
Service of Process	45A.103	45.002	DIS/MOC Completion	45A.262	45.051(b), (d)–(i), (k), (l)
Arrest Warrants	45A.104	45.004	Restitution (DIS/MOC)	45A.263	45.051(g)
Warrant Without Complaint	45A.105	45.003			
Jail	45A.261	45.045			

product detail

Chapter 45 to 45A, C.C.P. Conversion Chart 2.0					
SUBJECT	Ch 45	Ch 45A	SUBJECT	Ch 45	Ch 45A
Chapter Objectives	45.001	45A.001	Commitments	45.045	45A.261
Chapter Applicability	45.002	45A.003	Civil Collection	45.047	45A.263
"Cost" Definition	45.004	45A.002(2)	Jail Discharge	45.045	45A.262
Notice of Evidence	45.011	45A.004	Community Service	45.045(a)(1)–(3)	45A.254
Electronic Records	45.012(a)–(f), (h)	45A.005(a)–(g)	Community Service Location	45.045(a)(4)–(5)	45A.255
Court Suits	45.012(g)	45A.002	Waiver of Fine/Costs	45.045	45A.257
Docket	45.012(h)	45A.003	Community Service, Juveniles	45.045	45A.258
Filing by Mail	45.012	45A.004	Deferred Disposition (Deferred)	45.051	45A.262
Confidentiality	45.018	45A.005	Deferred Requirements	45.051(a)–(i), (k), (l)	45A.263
Complaint Requirements	45.010(a)–(d), (g)	45A.002(a)–(d), (g)	Deferred, Young Defendant Missing Citation	45.051(a)–(i), (k), (l)	45A.264
Complaints	45.010(b)	45A.003	Deferred Dismissals	45.051(c), (d)	45A.265
Objection to Complaint	45.010(c)	45A.102	Deferred Show Cause	45.051(c)–(i)	45A.266
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Jail	45.045	45A.261	DIS/MOC Completion	45.051(b), (d)–(i), (k), (l)	45A.262
			Restitution (DIS/MOC)	45.051(g)	45A.263
			DIS/MOC Driving Record Retention and Fee	45.051(h)–(j)	45A.263

product detail

On January 1, 2025, most of Chapter 45 of the Texas C.C.P. was replaced with Chapter 45A. During the 89th Legislative Session, additional youth diversion provisions were incorporated into Chapter 45A.

To assist courts and practitioners with these changes, TMCEC has updated its 45A CONVERSION CHART to Version 2.0.

This two-sided, 8.5"x14" laminated resource includes corresponding Chapter 45 to 45A provisions on one side and 45A to 45 provisions on the other, now including the newly incorporated youth diversion provisions.



Quantity	Price Per Chart	S&H
1	\$10	\$4.87
2-4	\$8	\$4.87
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The Texas School Bus: Risks, Crash Prevention, and Future Outlook

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I. Risks

On March 22, 2024, a concrete truck struck a Hays CISD school bus in Bastrop County, killing 5-year-old Ulises Rodriguez Montoya and 33-year-old Ryan Wallace, who was driving behind the bus. The bus was returning from a field trip carrying 44 pre-K students and 11 adults when the truck veered into oncoming traffic.¹ While school buses are widely considered one of the safest ways for students to travel, this tragic crash—along with national data—demonstrates that risks still exist and require ongoing attention.

Texas leads the nation in fatal school bus crashes, with 75 incidents resulting in 87 deaths between 2013 and 2022.² In 2024 alone, Texas endured 2,480 crashes involving school buses, resulting in 11 fatalities and 93 life-altering injuries.³ Driver inattention and speeding are the leading contributing factors in these preventable incidents.⁴

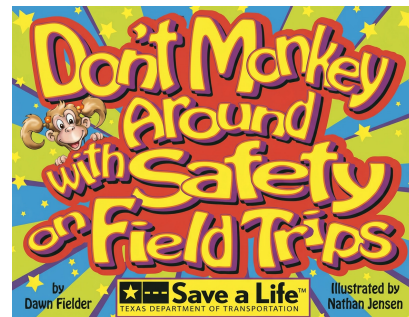
Nationally, the trend is similar. According to the National Safety Council, 128 people were killed in school-bus-related crashes in 2023, an increase from the previous year.⁵ Over a longer period (2014–2023), there were 1,079 fatalities in school transportation crashes—an average of about 108 deaths annually.⁶ Notably, most victims were not students riding the bus, but occupants of other vehicles or pedestrians.⁷

Despite these figures, fatal and serious school bus crashes are rare compared to other means of road travel. School bus crashes account for less than 1% of all fatal crashes nationwide.⁸ In fact, students are approximately 70 times more likely to arrive safely at school when riding a bus than when traveling by other means.⁹ This high level of safety is largely due to bus design features such as compartmentalized seating, high visibility, strict qualification

requirements for drivers, and comprehensive federal safety regulations.¹⁰ The most dangerous part of school bus travel is loading and unloading during which many of the fatalities happen because of other vehicles illegally passing the bus.¹¹

II. Crash Prevention

The risks outlined above highlight the need to continually educate students. Under Canon 4B(1) of the Texas Code of Judicial Conduct, judges are ethically permitted to teach the public about the law. To that end, TMCEC's Municipal Traffic Initiatives (MTSI) grant developed a children's book, *Don't Monkey Around with Safety on Field Trips*, which focuses on bus safety. It is available in English and Spanish, with accompanying lessons, on TMCEC's website: www.tmcec.com/mtsi/educators/childrens-books/.



Additionally, Antaris Jackson, TxDOT Administrative Assistant and Design Specialist for TMCEC, created a new flyer/handout to help municipal courts educate the public about school bus safety, featured on pages 14-15. Access the file at www.tmcec.com/mtsi/resources-municipal-courts/ or scan the QR code.



Bus-rider education, however, is only half of the battle: all motorists need school bus education. This not only saves lives but can also help avoid significant criminal consequences. During the 2022–2023 school year, an estimated 43.5 million illegal school bus passings occurred in the United States.¹² Illegally passing a school bus in Texas is a Class C misdemeanor punishable by a fine between \$500 and \$1,250 for the first offense,¹³ which is a higher fine range than most other Rules of the Road. Those charged are ineligible for dismissal through a driving safety course,¹⁴ but deferred disposition is a possibility. While it is often obvious when vehicles are legally required to stop for a school bus, there are some tricky scenarios. For example, if there is an “intervening space”¹⁵ between a driver and a school bus with its stop-arm out, the driver is not required to stop.¹⁶ But what constitutes an intervening space under the Transportation Code is not common knowledge. Education on the nuances of illegally passing a school bus would go a long way toward keeping our kids safe.

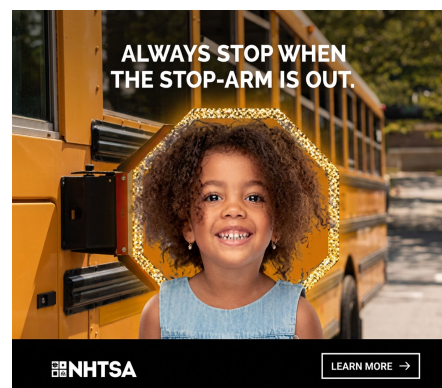
Along with public education, robust criminal enforcement and stop-arm cameras can prevent illegal passings and child pedestrian crashes. In Texas, some school districts have installed school bus stop-arms cameras that photograph offenders who are then subject to a civil fine.¹⁷ This is outside the criminal justice system and thus municipal courts are not involved in assessing such fines. Infrastructure improvements, such as better lighting, designated bus stops, and clearly marked crosswalks, can further reduce the risks bus riders face.

School bus safety also depends heavily on having safe, skilled bus drivers. Drivers must be trained in defensive driving, emergency response, and student management. In Texas, training is typically provided through regional Education Service Centers. Requirements include an initial 20-hour course and an 8-hour recertification every three years.¹⁸ Drivers must also hold a Class B Commercial Driver’s License (CDL) with passenger and school

bus endorsements and have no prior convictions for crimes involving moral turpitude.¹⁹ As CDL holders, school bus drivers are not eligible for dismissal through a driving safety course, even for offenses committed in their personal vehicles.²⁰ Furthermore, they are not eligible for deferred disposition for offenses involving motor vehicle control regardless of what kind of vehicle they were driving at the time of the offense.²¹

III. Future Outlook

Looking ahead, Texas is working to improve school bus safety through new policies and technologies. In 2025, the Texas Legislature mandated that all



school buses be equipped with three-point seat belts in each seat by September 1, 2029.²² The cost of implementation, however, is concerning for many school districts.²³ Other safety improvements, such as regular vehicle maintenance and technologies like cameras, GPS tracking, and collision warning systems, can further reduce risks, though they are not cheap.

Ultimately, improving school bus safety is a shared responsibility. Schools, parents, communities, governments, and courts must work together to promote traffic safety education and enforce safe driving behaviors. Combining education with seatbelt mandates and emerging technology is the best path forward to prevent school bus related crashes.

1. *Concrete Truck Driver Sentenced to 18 Years for Deadly Hays CISD School Bus Crash in 2024*, KUT News (September 18, 2025).

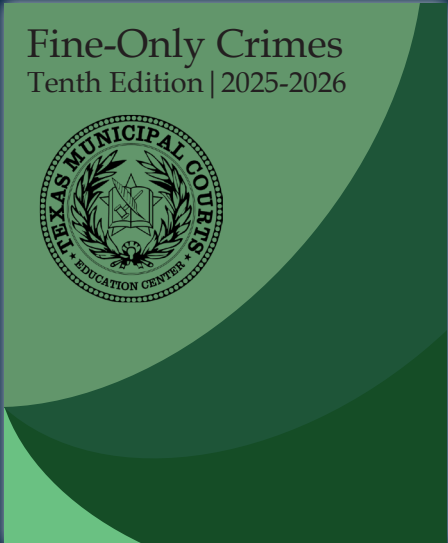
2. Janet Miranda, *Texas has the highest number of deadly school bus crashes*, Chron (October 28, 2024).

3. *School Bus Safety*, Texas Department of Transportation, <https://www.txdot.gov/safety/driving-laws/school-bus-safety.html> (last visited June 19, 2026).

4. *Id.*

5. *Road Users: School Bus*, National Safety Council, <https://injuryfacts.nsc.org/motor-vehicle/road-users/school-bus/> (last visited June 19, 2026).
6. *Reducing the Illegal Passing of School Buses: Best Practices Guide*, National Highway Traffic Safety Administration, <https://www.nhtsa.gov/school-bus-safety/reducing-illegal-passing-school-buses> (last visited June 19, 2026).
7. *Traffic safety facts: School transportation-related crashes*, National Highway Traffic Safety Administration, <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813731> (last visited June 19, 2026).
8. *Stats and Trends: A Monthly Look at School Bus Safety*, National Association for Pupil Transportation, <https://school-busride.com/stats-and-trends-a-monthly-look-at-school-bus-safety/> (last visited June 19, 2026).
9. *School Bus Safety*, Child Safety Network, <https://csn.org/bus/> (last visited June 19, 2026).
10. *Id.*
11. *Safe By Design, What Makes School Buses So Safe*, YouTube (Feb. 26., 2025), https://youtu.be/HTyf627y4XY?si=JKMF6HvNg7N_X1ck.
12. *Supra* note 6.
13. Tex. Transp. Code Ann. § 545.066.
14. Tex. Crim. Proc. Code Ann. § 45A.353(1).
15. This is an area in which vehicular travel is not permitted, a physical barrier, or a clearly indicated dividing section constructed to impede vehicular traffic. Tex. Transp. Code Ann. § 545.066(f)(1).
16. Tex. Transp. Code Ann. § 545.066(b)(1), (f).
17. *Bus Stop Arm Camera FAQs*, Austin Independent School District, <https://www.austinisd.org/transportation/faqs> (last visited June 19, 2026).
18. *Driver Training*, Texas Region 4 Education Service Center, <https://esc4.net/driver-training/> (last visited June 19, 2026).
19. *Id.*
20. Tex. Crim. Proc. Code Ann. § 45A.351(c).
21. Tex. Crim. Proc. Code Ann. § 45A.301(2).
22. Tex. Transp. Code Ann. § 547.701(e).
23. Adriana Alexander, *'We Don't Have the Allocated Funds to Address It'—Some Central Texas School Districts Push Back on Costly School Bus Seat Belt Mandate*, KCEN (March 25, 2026).

The Fine-Only Crimes Book is Back in Stock!



The tenth edition of Fine-Only Crimes (the “Green Book”) represents a comprehensive effort to list all Class C, fine-only criminal offenses under Texas state law. Covering 26 codes and roughly 1,300 offenses, it includes statutory citations for both the offense and penalty provision(s), the fine range for each offense, DPS reporting codes (if applicable), and possible enhancements.

The tenth edition (2025-2026) is current through the 89th Texas Legislature.



SCHOOL BUS SAFETY IN TEXAS



MUNICIPAL TRAFFIC SAFETY
INITIATIVES

**Protecting Our
Kids, One Stop
at a Time!**

 **QUICK SAFETY
CHECKLIST**



Kids arrive early



Everyone stays alert



**Parents
supervise when
needed**



**Drivers stop
for buses**



School bus safety is a shared responsibility.
When we all follow the rules, we protect what
matters most—our children.

FOR KIDS: HOW TO RIDE THE BUS SAFELY

- ✓ Stand at least 3 giant steps away from the curb
- ✓ Wait until the bus stops completely
- ✓ Stay seated and keep aisles clear

FOR PARENTS: WHAT YOU SHOULD KNOW

- ✓ Practice safe crossing techniques
- ✓ Supervise younger children
- ✓ Explain the danger zone (10 feet around the bus)

● THE "DANGER ZONE"

The Danger Zone is the area 10 feet around the bus where the driver may not see children.

Teach kids to:

- Stay visible at all times
- Never bend down near the bus
- Move away quickly after exiting

FOR DRIVERS: SCHOOL BUS LAWS IN TEXAS

● STOP MEANS STOP

When a school bus has:

- Flashing red lights
- Extended stop arm

👉 You MUST STOP.

🚦 Two-Lane Roads

- Traffic in both directions must stop

🚧 Divided Highways

- Only traffic behind the bus must stop
- Opposite side traffic may continue

⚠️ Penalties

Fines up to \$2,000

Possible license suspension for repeat offenses



Best Practices for Drivers

- Slow down in school zones
- Watch for children near roadways
- Be extra cautious in neighborhoods

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TMCEC MISSION STATEMENT

To provide high quality judicial education, technical assistance, and the necessary resource materials to assist municipal court judges, court support personnel, and prosecutors in obtaining and maintaining professional competence.

Judicial Education Deadline Approaching (August 31, 2026)

Municipal judges must complete 16 annual judicial education hours, including 8 live hours through TMCEC-approved seminars or clinics. Updated Rules of Judicial Education now allow greater flexibility through TMCEC's "Power of 4" pathway.

Remaining Live Opportunities

4-Hour Virtual Clinic:

C3: Councils, Courts, & Cities — August 12

Impaired Driving Symposium — August 12–13 (up to 8 live hours)

Magistrate Training Reminder: Article 17.024, C.C.P., requires magistrates to complete an approved 8-hour [magistrate duties](#) course before setting bail in confinement cases. TMCEC offers an approved on-demand course through the TMCEC Online Learning Center.

Credit applies toward annual Judicial Education requirements.

To register, go to register.tmcec.com.

Questions? Call or email us: info@tmcec.com or 800.252.3718.