



**Issue:**

Kiosk Court: Remote Video-Conference Adjudication

**Procedure:** A pro se defendant, after receiving a citation, may enter a plea of guilty or nolo contendere at a video screen in a public place. The video screen is connected first to a clerk, to prepare the case, and then to a judge to give required admonishments and consider requests for payment options. A defendant may make payment by major credit card.

**Considerations:**

- Although this process for municipal courts is not explicitly described by current law, a similar process is in place for other courts.<sup>1</sup> Under that statute, in order for a court to accept a plea by video teleconferencing, an attorney for the state must be present. Although this is, again, not explicitly prescribed for municipal courts, availability of a prosecutor may be a consideration for other courts setting up such a system. The only statute that is squarely on point allows a plea in the municipal court to be “oral or in writing, as the court may direct.”<sup>2</sup>
- Kiosks Court could be used to accept payments, at any hour, without staff involvement. Texas law allows defendants to plead by payment for any fine-only offense.<sup>3</sup> Payment at such a kiosk, even without staff interaction, would constitute a finding of guilty in open court, as though a plea of nolo contendere had been entered, and constitute a written waiver of jury trial.<sup>4</sup> The system could also include electronic forms, to be filled out remotely by defendants and e-filed with the courts. E-filing is already required for civil cases and many criminal cases in Texas<sup>5</sup>, and is a trend in courts across the nation. Courts could allow these reduced services around the clock, and provide expanded services during posted hours.
- Under the current law, this system would not be sufficient to allow a judge to take a plea from a minor defendant, as Texas law does requires such pleas to be taken in open court.<sup>6</sup> Although, construed with Article 27.14, a court may be tempted to treat the kiosk as open court, the juvenile plea statute requires notice to parents of a hearing. The intent of the statute is clearly against allowing these remote pleas for juvenile defendants.
- For more information, contact the San Antonio Municipal Court.

**Authority:**

1. Article 27.1, Code of Criminal Procedure – Plea or Waiver of Rights by Closed Circuit Video Teleconferencing
2. Article 45.021, Code of Criminal Procedure – Pleadings
3. Article 27.14(c), Code of Criminal Procedure
4. *Id.*
5. Supreme Court of Texas, Misc. Docket No 12-9206 (2012); Texas Court of Criminal Appeals, Misc. Docket No. 16-003.
6. Article 45.0215, Code of Criminal Procedure – Plea by Minor and Appearance of Parent