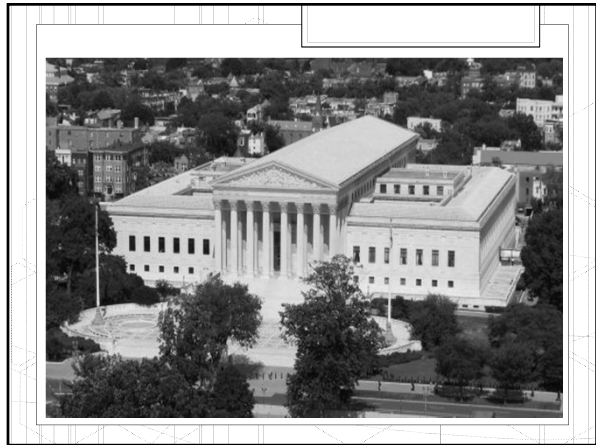


**Where Does
the Money
Go?**

Presented by:
Katie Tefft
Program Attorney
TMCEC

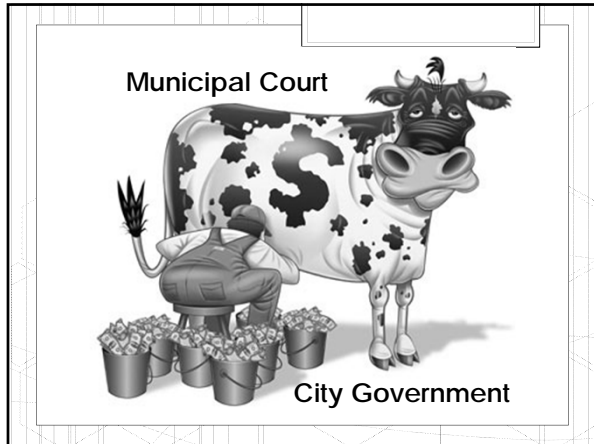












Real words

“Traffic tickets are a cash cow for counties and municipalities [of small size]... It’s not about fairness here; it’s about revenue for them.”

“Municipal court fees and fines should be a money maker for the city.”

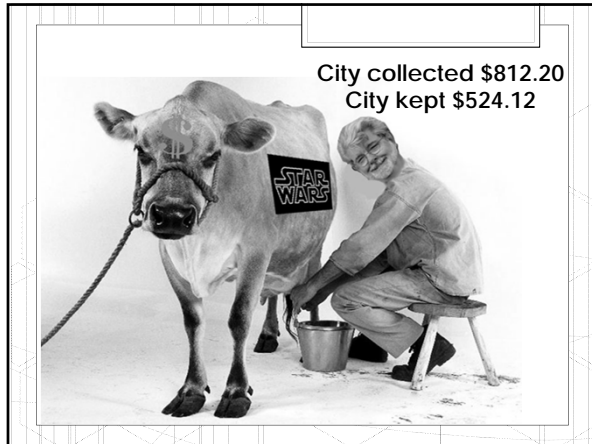
Activity

TMCEC HIGHWAY PATROL CITATION NO. **0123456789**
 111 Some Road Within, The City, TX 78900

VIOLATOR LAST NAME		FIRST	MIDDLE	PHONE #	
Trouble		Ima	B	512-555-5555	
RESIDENCE ADDRESS		CITY		STATE	ZIP
12345 Main Street		The City		TX	78900
DL or ID	STATE	CLASS	DATE OF BIRTH	RACE	SEX
0122339	TX	C	05 15 65	C	F
LICENSE PLATE #	STATE	YEAR	MAKE	MODEL	COLOR
HOT MAMA	TX	2008	Lease	RK	Silver
DATE	TIME	WEATHER	ROAD	ACCIDENT	SCHOOL ZONE
10 10 10	1500 hours	Clear	Light	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>
LOCATION	ALLEGED SPEED	SPEED LIMIT	CONTR ZONE	WORKERS PRESENT	
Somewhere downtown				Y <input type="checkbox"/> N <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	

VIOLATIONS:
 1. Passing a School Bus
 2. No Insurance
 3. Unrestrained Child 8-16
 4. _____

OTHER REQUIRED STAFF
 for the police department to keep track of, not the court...
 YOU ARE HEREBY NOTIFIED TO APPEAR BEFORE
 JUDGE Robin Gavel
 at The City Municipal Court on or before 10 days from now
 ISSUED BY Trooper Gotcha



Activity

TMCEC HIGHWAY PATROL		CITATION NO. 0123456789	
111 Some Road Within, The City, TX 78900			
VIOLATOR LAST NAME	FIRST	MIDDLE	PHONE #
Trouble	Ima	B.	512-555-5555
RESIDENCE ADDRESS	CITY		STATE ZIP
12345 Main Street	The City		TX 78900
DL or ID	STATE	CLASS	DATE OF BIRTH
01122339	TX	C	05 15 65
LICENSE PLATE #	STATE	YEAR	MAKE
HOT MAMA	TX	2008	Lexus
DATE	TIME	WEATHER	TRAFFIC
10 10 10	1500 hours	Clear	Light
LOCATION	ALLEGED SPEED	SPEED LIMIT	CONSTR ZONE
Somewhere downtown			
VIOLATION(S)	ACCIDENT	SCHOOL ZONE	WORKER'S PRESENT
1. Unrestrained Child Age 5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.			
3.			
4.			
OTHER REQUIRED STUFF			
for the police department to keep track of, not the court...			
YOU ARE HEREBY NOTIFIED TO APPEAR BEFORE			
JUDGE	at The City Municipal Court on or before 10 days from now		
ISSUED BY	Trooper Gotcha		

I hereby promise to appear at the time and place designated in this notice.
SIGNATURE: _____ This is not a plea of guilty.

Activity

TMCEC HIGHWAY PATROL		CITATION NO. 0123456789	
111 Some Road Within, The City, TX 78900			
VIOLATOR LAST NAME	FIRST	MIDDLE	PHONE #
Trouble	Ima	B.	512-555-5555
RESIDENCE ADDRESS	CITY		STATE ZIP
12345 Main Street	The City		TX 78900
DL or ID	STATE	CLASS	DATE OF BIRTH
01122339	TX	C	05 15 65
LICENSE PLATE #	STATE	YEAR	MAKE
HOT MAMA	TX	2008	Lexus
DATE	TIME	WEATHER	TRAFFIC
10 10 10	1500 hours	Clear	Light
LOCATION	ALLEGED SPEED	SPEED LIMIT	CONSTR ZONE
Somewhere downtown			
VIOLATION(S)	ACCIDENT	SCHOOL ZONE	WORKER'S PRESENT
1. Unrestrained Child Age 5 \$0 - \$25	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.			
3.			
4.			
OTHER REQUIRED STUFF			
for the police department to keep track of, not the court...			
YOU ARE HEREBY NOTIFIED TO APPEAR BEFORE			
JUDGE	at The City Municipal Court on or before 10 days from now		
ISSUED BY	Trooper Gotcha State officer		

I hereby promise to appear at the time and place designated in this notice.
SIGNATURE: _____ This is not a plea of guilty.

Activity

Court Costs

\$40 Consolidated Fee → \$36.00 to State → \$4.00 with city
 \$6 Judicial Support Fee → \$5.40 to State → \$0.60 with city
 \$2 Indigent Defense Fee → \$1.80 to State → \$0.20 with city
 \$4 Juror Reimbursement Fee → \$3.60 to State → \$0.40 with city

\$30 State Traffic Fee → \$28.50 to State → \$1.50 with city

Activity

Court Costs continued

\$3 Local Traffic Fee 0 → \$0 to State → \$3.00 with city
 \$0.10 Moving Violation Fee → \$0.09 to State → \$0.01 with city
 \$0.15 Child Safety Seat Cost → \$0.15 to State
 → \$0 to city
 \$5 Arrest Fee → \$1.00 to State → \$4.00 with city
 \$25 Time Payment Fee → \$12.50 to State → \$12.50 with city

City collected \$115.25 in court costs


Activity

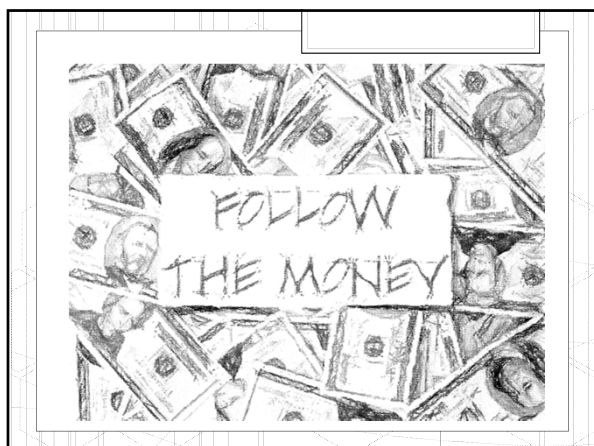
Fine: max at \$25.00

Send 50% of fine to State = \$12.50
 Send court costs to State = \$89.04

Total sent to State = \$101.54

Total kept by City = \$38.71





What do you send to the State?

Court Costs
Fees

Fines



Costs/Fees

- \$• Consolidated Fee - \$40.00
 - Not parking/pedestrian offenses
 - If remitted timely, city can retain 10%
 - Remit \$36.00, retain \$4.00
 - Deposited in general revenue fund
- \$• Judicial Support Fee - \$6.00
 - Not parking/pedestrian offenses
 - If remitted timely, city can retain 10%
 - Remit \$5.40, retain \$0.60
 - Deposited in general fund, but must be used for criminal justice purposes

Costs/Fees

- \$• **State Traffic Fine (Fee) - \$30.00**
 - Rules of the Road offenses
 - If remitted timely, city can retain 5%
 - Remit \$28.50, retain \$1.50
 - Deposited in general revenue fund

- \$• **Moving Violation Fee - \$0.10**
 - If a moving violation (see DPS list)
 - Civil Justice Data Repository Fund
 - Remit \$0.09, retain \$0.01
 - Deposited in general revenue fund

Costs/Fees

- \$• **Child Safety Seat Fee - \$0.15**
 - Only on child safety seat offenses
 - Remit it all
 - State uses to purchase safety seats for low income families

- \$• **Arrest Fee - \$5.00**
 - If warrantless arrest or citation written
 - If state officer, city must send 20%
 - Remit \$1.00, retain \$4.00
 - Deposited in general revenue fund

Costs/Fees

- \$• **Warrant Fee - \$50.00**
 - Processing or executing arrest warrant, capias, or capias pro fine
 - If state officer, city must send 20%
 - Remit \$10.00, retain \$40.00
 - Deposited in general revenue fund


- \$• **Time Payment Fee - \$25.00**
 - Any part of fine/costs/restitution paid 31 days+ from date of judgment
 - Remit \$12.50, retain 12.50
 - Deposited in general revenue fund - but \$2.50 must be used for court

Costs/Fees

- \$• OmniBase Fee - \$30.00
- \$• Collection Agency Fee - 30%

both require a contract with the city

Fines



- \$• 30% Rule
- Applies to cities with pop < 5,000
- Money from traffic fines and SEFs can make up only 30% of annual budget
- Anything over 30% must be remitted

Fines

- \$• Child Restraint offenses
 - 50% of fine must be remitted to state
 - At end of the fiscal year
- \$• Parent Contributing to Nonattendance
 - 50% of fine must be remitted to school
 - Does not say when

Fines

- \$• **Motor Carrier Weight Violations**
 - 50% of fine must be remitted to state
 - On the quarterly report
 - Unless within 20 miles of Mexico border

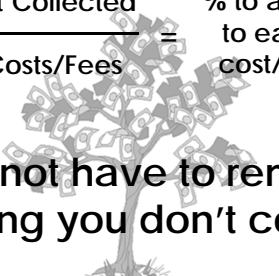
- \$• **Parks and Wildlife Code violations**
 - 85% of fine must be remitted to the Parks and Wildlife Department
 - Supposed to be within 10 days of collection

Proration

Partial Payments

$$\frac{\text{Amount Collected}}{\text{Total Costs/Fees}} = \frac{\% \text{ to apply}}{\text{to each cost/fee}}$$


Do not have to remit anything you don't collect



What do you collect in the first place?

Enhancements

Waiver



Enhancements


Child Passenger Safety Seat Offense
 \$25 max → \$250 max

Failure to Maintain Financial Responsibility
 \$175-\$350 → \$350-\$1,000

Handicapped Parking Violations
 \$500-\$750 → \$500/\$550-\$800 →
 \$550-\$800 → \$800-\$1,100 → \$1,250

Special Circumstances

Construction zone
when workers are present
 =
 double the minimum &
 double the maximum



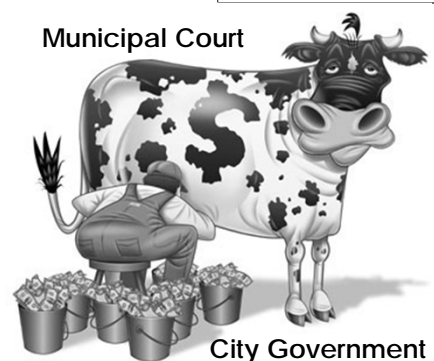
What to Collect?

- \$• Community Service
 - Indigent or upon failure to pay
 - Rate = not less than \$50 per 8 hours
- \$• Jail Credit
 - Entitled for time served in case
 - Discretionary for other time served
 - Upon failure to pay but not indigent
 - Or if indigent and refused to do community service
 - Rate = not less than \$50 per period
 - Period = between 8 and 24 hours

What to Collect?

- \$• **Waiver of Fines**
 - If defendant is indigent and discharging through community service would be an undue hardship
- \$• **Waiver of Costs**
 - If defendant is indigent and discharging through community service would be an undue hardship
 - Teen court

Municipal Court



City Government

Real words

"The independence of the judiciary requires that courts be free of political influences, not be subject in their operation to revenue-production requirements."

"A [city] may not require or suggest to a municipal court that the judge is expected to collect a predetermined amount of money..."

Real words

"A judge should be faithful to the law... shall not be swayed by partisan interests, public clamor, or fear of criticism."
