

# TEXAS MUNICIPAL COURTS EDUCATION CENTER

## Charts

### LEGISLATIVE UPDATE 09



**August 4, 2009**  
Lubbock

**August 10, 2009**  
Houston

**August 14, 2009**  
Austin

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# COURT COSTS

**For Conviction of Offenses Committed on or after January 1, 2010**

OFFENSE/DESCRIPTION	State CF	Local TFC	Local CS	State STF	State SJRF	State IDF	State JSF	Total* <sup>2</sup>
<b><u>MUNICIPAL ORDINANCES</u></b>								
■ Parking (authorized by Sections 542.202- 542.203, Transportation Code)	N/A	N/A	* <sup>1</sup>	N/A	N/A	N/A	N/A	* <sup>1</sup>
■ Pedestrian	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
■ Other Municipal Ordinances								
• Punishable by a fine of \$200 or less	40.00	N/A	N/A	N/A	4.00	2.00	6.00	52.00
• Punishable by a fine of \$201-\$500	40.00	N/A	N/A	N/A	4.00	2.00	6.00	52.00
• Punishable by a fine of more than \$500	40.00	N/A	N/A	N/A	4.00	2.00	6.00	52.00
<b><u>STATE LAW</u></b>								
■ Transportation Code, Subtitle C, Rules of the Road								
• Parking & Pedestrian (in school crossing zone)	N/A	3.00	25.00	30.00	N/A	N/A	N/A	58.00
• Parking & Pedestrian (outside school crossing zone)	N/A	3.00	N/A	30.00	N/A	N/A	N/A	33.00
• Overtaking & Passing a School Bus, Section 545.066	40.00	3.00	25.00	30.00	4.00	2.00	6.00	110.00* <sup>2</sup>
• Other (outside school crossing zone)	40.00	3.00	N/A	30.00	4.00	2.00	6.00	85.00* <sup>2</sup>
• Other (in school crossing zone)	40.00	3.00	25.00	30.00	4.00	2.00	6.00	110.00* <sup>2</sup>
■ Child Passenger Safety Seat System Offense, Section 545.412 -- add .15 court cost* <sup>2*3</sup>	40.00	3.00	N/A	30.00	4.00	2.00	6.00	85.15* <sup>2*3</sup>
■ Transportation Code, Section 601.192, Failure to Maintain Financial Responsibility								
• First conviction	40.00	N/A	N/A	N/A	4.00	2.00	6.00	52.00
• Subsequent convictions	40.00	N/A	N/A	N/A	4.00	2.00	6.00	52.00
■ Education Code								
• Parent Contributing to Nonattendance, Section 25.093	40.00	N/A	20.00	N/A	4.00	2.00	6.00	72.00
• Failure to Attend School, Section 25.094	40.00	N/A	20.00	N/A	4.00	2.00	6.00	72.00
■ All other misdemeanors	40.00	N/A	N/A	N/A	4.00	2.00	6.00	52.00* <sup>2</sup>

**\*Add applicable fees and other costs whenever they apply. See next page of chart for additional costs and fees.**

For the purpose of assessing, imposing and collecting court costs and fees, a person is considered to have been convicted if: (Section 133.101, Local Government Code)

- (1) a judgment, a sentence or both a judgment and a sentence are imposed on the person;
- (2) the person receives community supervision, deferred adjudication or deferred disposition; or
- (3) the court defers final disposition of the case or imposition of the judgment and sentence.

\*<sup>1</sup> ■ \$2-5 court costs for cities with population greater than 850,000 that have adopted appropriate ordinance, regulation or order (mandatory).

\*<sup>1</sup> ■ Up to \$5 court costs for cities with population less than 850,000 that have adopted appropriate ordinance, regulation or order (optional).

\*<sup>2</sup> ■ **Add .10 court cost on all Moving Violations, Article 102.022, Code of Criminal Procedure. (Moving Violations found in 37 TAC 15.89(b)) (Effective Jan. 1, 2010)** Note that some Moving Violations are in codes other than the Transportation Code.

\*<sup>3</sup> ■ New .15 court cost, Section 102.122 Government Code, for conviction of Child Passenger Safety Seat System Offense. This fee is to be sent to the Comptroller monthly. (Effective Jan. 1, 2010).

**FEES (Add the following fees whenever they apply):**

- **Administrative Fee:** The court may order an administrative fee to be paid when the court grants DSC under Art. 45.0511(d), C.C.P. – court’s discretionary authority. The fee may not exceed the maximum amount of the possible fine for the particular offense charged.
- **Applicable fees for services of peace officers under Art. 102.011, Code of Criminal Procedure (C.C.P.):**
  - **Arrest Fee:** \$5 for issuing a written notice to appear in court following the defendant’s violation of a traffic law, municipal ordinance, penal law, or for making an arrest without a warrant. When service is performed by a peace officer employed by the State, 20% (\$1) is sent to the State.
  - **Warrant Fee:** \$50 for executing or processing an issued arrest warrant, *capias*, or *capias pro fine*. When service is performed by a peace officer employed by the State, 20% (\$10) is sent to the State.
  - **Summoning a Witness:** \$5 for serving a subpoena.
  - **Summoning a Jury:** \$5 for summoning a jury.
  - **Service of any other writ** (includes summons for a defendant or a child’s parents): \$35.
  - **Other costs:** Costs for peace officer’s time testifying while off duty.
- **Expunction Fee:** \$30 fee to expunge the record of an offense (except traffic) involving a minor. (Arts. 45.0216(i) & 45.055(d), C.C.P.; Sec.106.12, A.B.C.; Sec. 161.255, H.S.C.)
- **Fees Created by City Ordinance:**
  - **Juvenile Case Manager Fee:** Up to \$5 fee for every fine-only misdemeanor offense if governing body has passed the required ordinance establishing a juvenile case manager fund. (Art. 102.0174, C.C.P.)
  - **Municipal Court Building Security Fee:** \$3 on every conviction if governing body has passed required ordinance establishing building security fund. (Art. 102.017, C.C.P.)
  - **Municipal Court Technology Fund:** Up to \$4 on every conviction if governing body has passed required ordinance establishing the municipal court technology fund. (Art. 102.0172, C.C.P.)
- **Jury Fee:** \$3 fee collected upon conviction when case tried before a jury. \$3 fee collected upon conviction if defendant had requested a jury trial and then withdrew the request not earlier than 24 hours before the time of trial; fee to be paid even if case is deferred. (Art. 102.004, C.C.P.)
- **Restitution Fee:** \$12 optional fee for defendants paying restitution in installments. (Art. 42.037, C.C.P.)
- **Special Expense Fees:** 1) Under Article 45.051, C.C.P., the court may assess a special expense fee not to exceed the amount of fine that could be imposed. (Art. 45.051(c), C.C.P.); and 2) An amount not to exceed \$25 that may be collected for execution of a warrant for *failure to appear* or *violate promise to appear*. City ordinance required to authorize collection. (Art. 45.203, C.C.P.)
- **Time Payment Fee:** The court shall collect a fee of \$25 from a person who has been convicted and pays any part of the fine, court costs or restitution on or after the 31<sup>st</sup> day after the date on which the judgment is entered. One-half (\$12.50) is sent to the State. One-tenth (\$2.50) is retained locally for judicial efficiency. Four-tenths (\$10) are retained locally with no restrictions. (Section 133.103, Local Government Code)
- **Traffic Law Failure to Appear (FTA):** \$30 for failure to appear or failure to pay or satisfy a judgment for violation of any fine-only offense **if city has contracted with the Department of Public Safety** to deny renewal of driver’s licenses. Two-thirds (\$20) are sent to the State. One-third (\$10) is retained locally. Applies to any violation that municipal court has jurisdiction of under Art. 4.14, C.C.P. (Chapter 706, T.C.)

**Seat Belt & Child Safety Systems:** City must remit to the State 50 percent of the fines collected for failing to secure a child in a child passenger safety system or to secure a child in a safety belt (Secs. 545.412 & 545.413(b), T.C.). Remittance must be done at the end of the city’s fiscal year. City must remit 50 percent of the fines.

**Excess Fines:** Cities with population less than 5,000 must remit all but one dollar of fines and special expenses under Article 45.051, C.C.P. for Title 7, T.C. offenses when the fines and special expenses for such offenses reach 30 percent of the city’s budget less any federal money. (Section 542.402(b), T.C.)

**Additional Fees:** A court may assess a \$10 fee when a defendant elects to take a driving safety course (DSC) on or before the answer date on his or her citation (Art. 45.0511(f)(1), C.C.P.). When the court elects to obtain the defendant’s driving record, rather than have defendant obtain it, the court may require defendant to pay \$10 plus the amount of the TexasOnline fee for the certified Texas DL record from DPS (this money sent to state). When a court grants teen court, the court may collect two \$10 fees – one is kept by the city for administering teen court, the other is disbursed to the teen court program (Art. 45.052(e) & (g), C.C.P.). (Teen court near Louisiana border may charge two \$20 fees – Art. 45.052(e) & (g), C.C.P.). For dismissal fees for compliance dismissals, see TMCEC Compliance Dismissal Chart.

Name of Cost/Fee	Legal Reference	Abbreviation
Consolidated Fee	Local Government Code, Section 133.102	CF
Traffic Fund	Transportation Code, Section 542.403	TFC
Child Safety Fund	Code of Criminal Procedure, Article 102.014	CS
State Traffic Fee	Transportation Code, Section 542.4031	STF
State Juror Reimbursement Fee	Code of Criminal Procedure, Article 102.0045	SJRF
Indigent Defense Fee	Local Government Code, Section 133.107	IDF
Judicial Support Fee	Local Government Code, Section 133.105	JSF

## 2009 CRIMINAL OFFENSE CHANGES



<b>NEW WAYS TO COMMIT OLD CRIMES</b>		
CODE	CHANGE	PENALTY
<b>Election Code §2.054</b>	A person may not influence or attempt to influence through intimidation or coercion a person to withdraw as a candidate (SB 1970).	Class A misd.
<b>Election Code §253.039</b>	Adds courthouse to the list of public buildings where persons are prohibited from making, prohibiting, or accepting a political contribution (SB 1152).	Class A misd.
<b>Penal Code §28.02</b>	Intentionally starting a fire or causing an explosion and in so doing recklessly damages or destroys a building or recklessly causes bodily injury or death (HB 3224).	State Jail Felony
<b>Penal Code §31.03</b>	Enhanced penalty for theft of materials including at least 50% aluminum, bronze, or copper, now includes insulated or noninsulated tubing, rods, and water gate stems (HB 348).	State Jail Felony (if value is less than \$20,000)
<b>Penal Code §32.32</b>	Intentionally or knowingly making a false or misleading written statement in providing a property appraisal for compensation (HB 2840).	Class C misd.-1 <sup>st</sup> Degree Felony
<b>Penal Code §37.10</b>	Tampering with forensic, medical, chemical, toxicological, and ballistic reports, as well as reports of certification, inspection, or maintenance of instruments used to examine or test physical evidence (HB 1813).	3 <sup>rd</sup> Degree Felony
<b>Penal Code §38.11</b>	Possession with intent to provide certain prohibited substances or items to a person in the custody of a correctional facility (HB 3228).	3 <sup>rd</sup> Degree Felony
<b>Penal Code §38.14</b>	Taking or attempting to take a weapon from a county jailer or a detention officer that guards prisoners in jails and detention facilities (HB 1721). Taking or attempting to take a weapon from a commissioned security officer (HB 3147).	State Jail Felony-3 <sup>rd</sup> Degree Felony
<b>Transportation Code §545.412</b>	Failure to keep child under age 8 in child safety seat, unless 4'9" tall (SB 61).	Class C misd.
<b>Transportation Code §545.413</b>	Failure to wear seatbelt is no longer limited to those in the front seat; Driver of a passenger van allows a passenger under 17 to not wear a seatbelt (HB 537); Failure to keep child under age 8 in child safety seat, unless 4'9" tall (SB 61).	Class C misd.

<b>NEW PUNISHMENTS FOR OLD CRIMES</b>			
CODE	OFFENSE	OLD PENALTY	NEW PENALTY
<b>Health &amp; Safety Code §382.018; Water Code §7.187</b>	Outdoor burning of waste and combustible material (HB 857).	Individual: Fine (\$1,000-\$50,000), confinement up to 180 days, or both Not an individual: Fine (\$1,000-\$100,000)	Class C, Class B (subsequent), Class A misd. (certain substances)
<b>Parks &amp; Wildlife Code §76.116</b>	Taking oysters from restricted areas (SB 2379).	Class B or Class A misd. (if 2 <sup>nd</sup> conviction in 5 years)	Class A misd. or State Jail Felony (if 2 <sup>nd</sup> conviction in 5 years)
<b>Penal Code §§22.01, 29.02, 30.02, 31.03</b>	Assault, robbery, burglary, or theft committed in evacuated areas or disaster areas (SB 359).	Varies	Increased to the punishment for the next higher category of offense
<b>Penal Code §25.02</b>	Engaging in sexual intercourse with the actor's ancestor or descendent by blood or adoption (HB 2385).	3 <sup>rd</sup> Degree Felony	2 <sup>nd</sup> Degree Felony
<b>Transportation Code §545.412</b>	Child safety seat offense (SB 61).	\$100-200 fine	Fine not to exceed \$25 (first offense) and not to exceed \$250 (subsequent offense)

## 2009 CRIMINAL OFFENSE CHANGES

<b>Transportation Code §§552.003,.010</b>	Failure to yield pedestrian right-of-way or failure to take necessary precautions to avoid injuring or endangering a pedestrian guided by an assistance animal or carrying a white cane when either offense leads to a collision resulting in serious bodily injury or death to a blind or disabled person (HB 1343).	Class C misd. (not to exceed \$200)	Class C misd. (fine up to \$500 and 30 hours of community service)
<b>Transportation Code §681.011</b>	Illegal parking in disabled parking spaces (HB 3095, SB 52).	\$250-500 (first offense); \$300-600 (second); \$300-600 and 10-20 hrs CS (third); \$500-1,000 and 20-50 hrs CS (fourth); \$1,000 and 50 hrs CS (fifth)	<p style="text-align: center;"><b><u>HB 3095</u></b></p> \$500-750 (first offense); \$550-800 and 10 hrs CS (second); \$550-800 and 20-30 hrs CS (third); \$800-1,100 and 50 hrs CS (fourth); \$1,250 and 50 hrs CS (fifth) <p style="text-align: center;"><b><u>SB 52</u></b></p> Same (first offense); \$500-800 and 10 hrs CS (second); \$550-800 and 20 hrs CS (third); \$800-\$1,100 and 30 hrs CS (fourth); \$1,250 and 50 hrs CS (fifth)

### NEW CLASS C/FINE-ONLY OFFENSES

CODE	OFFENSE	PENALTY
<b>Agriculture Code §19.012</b>	Commercial use of citrus budwood that is not certified or does not come from a designated foundation grove (SB 1016).	Class C misd.
<b>Health &amp; Safety Code §254.204</b>	Violation of the license requirement for freestanding emergency medical care facilities (HB 1357).	Class C misd. (each day of a continuing violation is a separate offense)
<b>Health &amp; Safety Code §711.0521</b>	Interfering with a person's reasonable right to access a cemetery or private burial grounds with no public ingress or egress available (HB 1468).	Class C misd.
<b>Occupations Code §2308.002</b>	Violation of towing regulations (HB 2571).	Class C or Class B misd. (if knowing or intentionally)
<b>Occupations Code §2308.505</b>	Violation of towing or booting ordinance or regulation (SB 2153).	Class C misd. (\$200-1,000)
<b>Parks &amp; Wildlife Code §29.011</b>	Failure to wear seatbelt in off-highway vehicles, if equipped (HB 2553).	Class C misd.
<b>Parks &amp; Wildlife Code §43.157</b>	Violation of a reporting requirement by a person who holds a permit to control protected wildlife (HB 1965)	Class C misd.
<b>Penal Code §30.05</b>	Trespass committed on agricultural land within 100 feet of the boundary or on residential land within 100 feet of a protected freshwater area (HB 2609).	Class C misd.
<b>Transportation Code §542.4045</b>	Failure to yield right-of-way resulting in accident causing bodily injury, serious bodily injury, or death to someone other than driver who failed to yield (SB 1967).	\$500-2,000 fine (bodily injury) \$1,000-4,000 fine (serious bodily injury or death)
<b>Transportation Code §545.416</b>	Carrying a child under 5 on a motorcycle (HB 537).	Class C misd.
<b>Transportation Code §545.425</b>	Use of wireless communication device in school crossing zone (HB 55).	Class C misd.

## 2009 CRIMINAL OFFENSE CHANGES

<b>Transportation Code §547.613</b>	Failure of a window tint installer to install a required label on a motor vehicle (SB 589).	Class C misd. (not to exceed \$1,000)
<b>Transportation Code §552.010</b>	Carrying a white cane on public street or highway if not partially or totally blind (HB 1343).	Class C misd.

<b>NEW CLASS A and B MISDEMEANORS; NEW FELONY OFFENSES</b>		
CODE	OFFENSE	PENALTY
<b>Occupations Code §2308.002</b>	Violation of towing regulations (HB 2571).	Class C or Class B misd. (if knowingly or intentionally)
<b>Penal Code §28.03</b>	Offense of criminal mischief with a pecuniary loss less than \$20,000 and the crime impairs or interrupts a public service (HB 1614).	State Jail Felony
<b>Penal Code §31.03</b>	Theft of driver's license (HB 1282).	Class B misd.
<b>Penal Code §31.03</b>	Theft from a nonprofit organization or theft by Medicare providers (HB 671).	Elevates penalty to the next higher category
<b>Penal Code §33.07</b>	Online harassment (HB 2003).	Class A misd. or 3 <sup>rd</sup> Degree Felony
<b>Penal Code §38.152</b>	Intentional interruption, impediment, jamming, or interference of radio frequencies licensed by the FCC and used by law enforcement agencies, fire departments, or emergency medical service providers (SB 1273).	Class A misd. or State Jail Felony
<b>Penal Code §42.10</b>	Owning or possessing dog-fighting equipment (SB 554).	Class A misd.
<b>Transportation Code §521.060</b>	Direct or indirect disclosure of certain information received from DPS by a person who has contracted with DPS (HB 2730).	Class B misd.
<b>Transportation Code §521.4565</b>	Conspiring to manufacture counterfeit license or certificate (HB 2730).	State Jail Felony or 3 <sup>rd</sup> Degree Felony
<b>Transportation Code §521.457</b>	Driving while license invalid and without maintaining financial responsibility (HB 2012).	Class B-Class A misd.

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## DEFENSES TO PROSECUTION

Effective September 1, 2009

Offense	Defense	Fee
Failure to Have License in Possession While Operating a Motor Vehicle (Failure to Display Driver's License) – Section 521.025, T.C.	Defendant must produce in court a driver's license issued to that person appropriate for the type of vehicle operated and valid at the time of the arrest. Section 521.025(d), T.C.	Optional \$10 fee.
Driving While License Invalid – Section 521.457, T.C.	Defendant did not receive actual notice of the cancellation, suspension, revocation, or prohibition order, and the license was not suspended under Section 521.341, T.C. Actual notice is presumed if the notice was mailed in accordance with law.	None.
Failure to Have Commercial License in Possession While Operating a Commercial Motor Vehicle – Section 522.011, T.C.	Defendant must produce in court a commercial driver's license issued to that person appropriate for the class of vehicle being driven and valid at the time of the offense.	None.
Operating a Commercial Motor Vehicle with More than One Valid License – Section 522.026, T.C.	Defense if the offense occurred during the 10-day period beginning on the date the person was issued a driver's license.	None.
Driving While Disqualified (Commercial Motor Vehicle) – Section 522.071, T.C.	Defendant did not receive notice of the denial, disqualification, prohibition order, or out-of-service order concerning his or her driver's license, permit, or privilege to operate a motor vehicle, and the license was not suspended because of a conviction that results in an automatic disqualification of the person's driver's license or privilege. Notice is presumed if the notice was sent by first class mail to the last known address of the person as shown by the records of the department or licensing authority of another state.	None.
Failure to Register Certain Antique or Exhibition Vehicles – Section 504.502, T.C.	Defense if the vehicle was en route to or from a location for the purpose of routine maintenance of the vehicle.	None.
Failure to Secure Child in Child Passenger Safety Seat System – Section 545.412, T.C.	Two defenses available: <ul style="list-style-type: none"> <li>• Defendant was operating the vehicle in an emergency or for a law enforcement purpose.</li> </ul> <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> <li>• Defendant must provide the court with satisfactory evidence that defendant possesses an appropriate child passenger safety seat system for each child required to be secured in a child passenger safety seat system. Section 545.4121, T.C.</li> </ul>	None.
No Safety Belt – Section 545.413, T.C.	Six defenses available: <ul style="list-style-type: none"> <li>• Defendant possesses, or must provide the court not later than the 10<sup>th</sup> day after the offense, a written statement from a licensed physician that there was a medical reason the person should not wear a safety belt.</li> <li>• Defendant is employed by the U.S. Postal Service and was performing a duty for that agency that required the operator to service postal boxes from a vehicle or required frequent entry into and exit from a vehicle.</li> <li>• Defendant was engaged in the delivery of newspapers from a vehicle or was performing newspaper delivery duties requiring frequent entry into and exit from a vehicle.</li> <li>• Defendant is employed by a public or private utility company and was engaged in the reading of meters or performing a similar duty for that company requiring the operator to frequently enter and exit a vehicle.</li> </ul>	None.



	<ul style="list-style-type: none"> <li>Defendant was operating a commercial vehicle registered as a farm vehicle that does not have a gross weight, registered weight, or gross weight rating of 48,000 pounds or more.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>Defendant was the operator or passenger of a vehicle used exclusively to transport solid waste and was performing duties that required frequent entry into and exit from the vehicle.</li> </ul>	
Operating Motor Vehicle While Someone Under 18 is Riding in Open Bed – Section 545.414, T.C.	<p>Five defenses available:</p> <ul style="list-style-type: none"> <li>Vehicle was operated or towed in a parade or in an emergency.</li> <li>Vehicle was operated to transport farm workers between fields on a farm-to-market, ranch-to-market, or county road outside a municipality.</li> <li>Vehicle was operated on a beach.</li> <li>Vehicle is the only vehicle owned or operated by the members of a household.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>Vehicle was operated in a hayride permitted by the governing body or law enforcement agency of each county or municipality in which the hayride will occur.</li> </ul>	None.
Operating a Motorcycle with Passenger Under Five – Section 545.416, T.C.	<p>Defense if operator was operating the motorcycle in an emergency or for a law enforcement purpose.</p>	None.
Use of Wireless Communication Device in a School Crossing Zone – Section 545.425, T.C.	<p>Two defenses available:</p> <ul style="list-style-type: none"> <li>Wireless communication device was used to make an emergency call to certain recipients.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>Required sign was not posted at the entrance to the school crossing zone at the time offense was committed.</li> </ul>	None.
Selling Vehicle Equipment that Does Not Comply with Chapter 547, T.C. – Section 547.201, T.C.	<p>Defense if defendant did not have reason to know in the exercise of due care that the item did not comply with the applicable standard.</p>	None.
Restrictions on Windows – Section 547.613, T.C.	<p>Defense if defendant or a passenger of the vehicle is required for a medical reason to be shielded from direct rays of the sun.</p>	None.
Failure to Display Valid Motor Vehicle Inspection Certificate- Section 548.602, T.C.	<p>Defendant must show that an inspection certificate for the vehicle was in effect at the time of the arrest.</p>	None.
Failure to Maintain Financial Responsibility – Section 601.191, T.C.	<p>Two defenses available:</p> <ul style="list-style-type: none"> <li>Defendant must provide the court satisfactory evidence of valid proof of financial responsibility under Section 601.053(a), T.C.,* that was valid and in effect at the time of the arrest. Section 601.193, T.C.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>Defendant possessed the vehicle for the sole purpose or maintenance or repair and did not own the vehicle. Section 601.194, T.C.</li> </ul>	None.

Operating a Vehicle with a Single or Tandem Axle Weight Heavier than Authorized – Section 621.404, T.C.	Vehicle has a single axle weight or tandem axle weight that was not heavier than the axle weight authorized by law plus 12 percent;  AND Vehicle was loaded with timber, pulp wood, wood chips, or cotton, livestock, or other agricultural products in their natural state and being transported from the place of production to the place of first marketing or processing;  AND Vehicle was not being operated on a portion of the national system or interstate and defense highways.	None.
Failure to Pay Toll – Section 370.177, T.C.	Defense if motor vehicle was stolen before the failure to pay the proper toll occurred and was not recovered by the time of the failure to pay. Defendant must provide proof that the theft was reported to the appropriate law enforcement authority before the earlier of the occurrence of the failure to pay or eight hours after the discovery of the theft.	None.
Bail Jumping and Failure to Appear – Section 38.10, P.C.	Two defenses available: <ul style="list-style-type: none"> <li>• Appearance was incident to community supervision, parole, or intermittent sentence (does not apply to municipal court).</li> </ul> OR <ul style="list-style-type: none"> <li>• Person had a reasonable excuse for failure to appear in accordance with the terms of his/her release.</li> </ul>	None.
Public Intoxication – Section 49.02, P.C.	Defense that alcohol or other substance was administered for therapeutic purposes and as a part of the person’s professional medical treatment by a licensed physician.	None.
Discharging a Firearm Across a Property Line – Section 62.0121, P.W.C.	Two defenses available: <ul style="list-style-type: none"> <li>• Defendant owns the property on both sides of the line crossed by the projectile.</li> </ul> OR <ul style="list-style-type: none"> <li>• Defendant obtained written permission from the landowners on either side of the property lines crossed by the projectile.</li> </ul>	None.

\*Section 601.053(a), T.C., lists the following documents and evidence of financial responsibility:

- A motor vehicle liability insurance policy or photocopy of the policy covering the vehicle that satisfies Subchapter D (motor vehicle liability insurance requirements);
- A standard proof of motor vehicle liability insurance form prescribed by the Texas Department of Insurance under Section 601.081 and issued by a liability insurer for the motor vehicle;
- An insurance binder that confirms the operator is in compliance with Chapter 601, T.C.;
- A surety bond certificate issued under Section 601.121, T.C. (bond filed with the Texas Department of Public Safety);
- A copy of a certificate of deposit with the appropriate county judge covering the vehicle issued under Section 601.123, T.C. (a deposit of cash or cashier check filed with the county judge in the amount of at least \$55,000); or
- A certificate or photocopy of the certificate of self-insurance covering the vehicle issued under Section 601.124, T.C. (person must have at least 25 motor vehicles registered in his/her name to be eligible for self-insurance).



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# COMPARISONS OF DEFERRED OPTIONS

(Effective September 1, 2009)



Application/Use	Driving Safety Course (DSC) or Motorcycle Operator Course (MOC) Dismissal Procedures, Article 45.0511, C.C.P.	Suspension of Sentence and Deferral of Final Disposition, Article 45.051, C.C.P.
Application/Use	<p>Applies to the following traffic offenses:</p> <ul style="list-style-type: none"> <li>● Section 472.022, T.C.; (Obeying Warning Signs)</li> <li>● Subtitle C, Title 7, T.C.; (Rules of the Road)</li> <li>● Section 729.001(a)(3), T.C. (Operation of Motor Vehicle by Minor)</li> </ul> <p>Does <u>not</u> apply to:</p> <ul style="list-style-type: none"> <li>● Offenses committed in a construction work maintenance zone when workers are present, Sec. 542.404, T.C.; Art. 45.0511(p)(3), C.C.P.;</li> <li>● Traffic offenses committed by a person with a commercial driver's license, Art. 45.0511(s), C.C.P.;</li> <li>● Passing a school bus, Sec. 545.066, T.C.;</li> <li>● Leaving the scene of an accident, Sec. 550.022 or 550.023, T.C.; or</li> <li>● Speeding 25 mph or more over the limit or in excess of 95 m.p.h. Art. 45.0511(b)(5), C.C.P.</li> </ul> <p>Court must advise person charged with offenses under Subtitle C, Rules of the Road, T.C., of right to take course.</p>	<p>Applies to all fine-only offenses except:</p> <ul style="list-style-type: none"> <li>● Traffic offenses committed in a construction work maintenance zone when workers present (Sec. 542.404, T.C.; Art. 45.051(f)(1), C.C.P.); or</li> <li>● A violation of a state law or local ordinance relating to motor vehicle control, other than a parking violation, committed by a person who holds a commercial driver's license; or held a commercial driver's license when offense committed (Art. 45.051(f), C.C.P.).</li> </ul>
How Often	<p>Defendant may request if the defendant has not had a driving safety course within the 12 months preceding the date of the current offense.</p> <p>Under Subsection (u), defendants may take DSC for a violation of Child Passenger Safety Seat laws even if they have taken DSC in the last 12 months, as long as the judge requires the defendant to take a specialized DSC (including 4 hours of instruction on child passenger safety seat systems) and any course the defendant has taken in the last 12 months did not include such instruction.</p> <p>If the defendant is a member, spouse, or dependant child of a member, of the US military forces serving on active duty, the defendant cannot have taken a driving safety course/motorcycle operator course in another state within the 12 months preceding the date of the current offense.</p> <p>Under Subsection (d), the court has discretion to grant DSC/MOC even if one has been taken within the previous 12 month period, or if the request was not made timely.</p>	<p>Subject to judicial discretion.</p>
Plea Required	<p>A plea of guilty or nolo contendere is required when the request is made. Request must be made on or before answer date on citation. Judge has discretion to grant a late request under Subsection (d).</p>	<p>A plea of guilty or nolo contendere or a finding of guilt required.</p>
Proof of TX DL or on Active Military Duty	<p>Defendant must have a Texas driver's license or permit. If the defendant is on active military duty or is an active duty military spouse or dependant child, the defendant does not have to have a Texas driver's license or permit.</p>	<p>NO</p>
Proof of Financial Responsibility	<p>Defendants are required to present proof of financial responsibility as required by Chapter 601, Transportation Code.</p>	<p>NO</p>
State Court Cost Collected	<p>YES Due when request made.</p>	<p>YES Judge may allow defendant to pay out during deferral period by time payments, performing community service, or both.</p>
Time Limit	<p>Court defers imposition of the judgment for 90 days. The defendant must take the course and present evidence of completion by the 90<sup>th</sup> day. Defendant is also required to present to the court a certified copy of his or her driving record as maintained by DPS and an affidavit stating that he or she was not taking DSC or MOC at the time of the request nor has he or she taken a course that is not on his or her driving record. Under Subsection (u), the defendant's driving record and affidavit are required to show that defendant did not have specialized DSC in preceding 12 months.</p>	<p>Not to exceed 180 days. (1 to 180 days)</p>
Optional Administrative or Special Expense Fee	<p>If defendant makes request on or before answer date, the court may only assess an administrative \$10 non-refundable fee.</p> <p>If the judge grants a course before the final disposition of the case under Subsection (d), the court may assess a fee not to exceed the maximum possible penalty for the offense.</p>	<p>SPECIAL EXPENSE FEE (SEF), not to exceed amount of fine that could be imposed at the time the court grants the deferral. Court may elect not to collect for good cause shown. SEF may be collected at anytime before the date the probation ends. In the event of default, the judge shall require that the amount of the SEF be credited toward the amount of the fine imposed by the judge.</p>

	<p style="text-align: center;"><b>Driving Safety Course (DSC) or Motorcycle Operator Course (MOC) Dismissal Procedures Article 45.0511, C.C.P.</b></p>	<p style="text-align: center;"><b>Suspension of Sentence and Deferral of Final Disposition Article 45.051, C.C.P.</b></p>
<p style="text-align: center;"><b>Fee for Driving Record</b></p>	<p>Rather than allowing the defendant to obtain his or her driving record and provide it to the court, the court may obtain the certified driving record from DPS. A \$10 fee plus the \$2 TexasOnline fee may be imposed if the court chooses this option (Art. 45.0511 (c-1), C.C.P.).</p>	<p>Court is not required to order the defendant to obtain a driving record (it may, however, be mandated as a reasonable condition). There is no authorization for the court to collect a fee for obtaining the defendant's driving record.</p>
<p style="text-align: center;"><b>Other Requirements</b></p>	<p>Request may be oral or in writing. If mailed, request must be sent certified mail. (Art. 45.0511(b)(3), C.C.P.)</p> <p>When a defendant requests a course on or before the answer date on the citation, the defendant must present evidence of a valid Texas driver's license or permit, or show that he or she is on active military duty.</p> <p>On or before the 90<sup>th</sup> day after the request the defendant must present:</p> <ol style="list-style-type: none"> <li>1. Evidence of course completion;</li> <li>2. A copy of his or her driving record as maintained by DPS, if any;</li> <li>3. If the defendant is on active military duty and does not have a Texas driver's license, the affidavit must state that the defendant was not taking a driving safety course or motorcycle operator course, as appropriate, in another state on the date of the request to take the course was made and had not completed such a course within the 12 months preceding the date of the offense.</li> <li>4. An affidavit stating that he or she was not taking a course at the time of request for the current offense nor had he or she taken a course that was not yet on his or her driving record within the 12 months preceding the date of the current offense.</li> <li>5. If the offense is charged under Section 545.412, T.C., (Child Passenger Safety Seat Systems), the defendant's driving record and affidavit are only required to show that they have not taken the specialized DSC in the last 12 months.</li> </ol>	<p>Requirements: Judge <u>may</u> require the defendant to do the following:</p> <ol style="list-style-type: none"> <li>1. Post bond in the amount of the fine assessed to secure payment of the fine;</li> <li>2. Pay restitution to the victim of the offense in an amount not to exceed the fine assessed;</li> <li>3. Submit to professional counseling;</li> <li>4. Submit to diagnostic testing for alcohol or controlled substance or drug;</li> <li>5. Submit to psychosocial assessment;</li> <li>6. Participate in an alcohol or drug abuse treatment or education program;</li> <li>7. Pay the costs of any diagnostic testing, psychosocial assessment, or participation in a treatment or education program either directly or through the court as court costs;</li> <li>8. Complete DSC or other course as directed by the judge;</li> <li>9. Present to the court satisfactory evidence of compliance with the terms imposed by the judge; and</li> <li>10. Comply with any other reasonable condition.</li> </ol> <p style="text-align: center;">-----</p> <p>Requirements - Judge <u>must</u>:</p> <p>If defendant under age 25 is charged with a moving traffic offense, Subsection (b)(8) does not apply. The judge shall require DSC. If the defendant holds a provisional license, the judge shall require the defendant to be examined by DPS under Sec. 521.161(b)(2), T.C., and pay DPS a \$10 fee.</p> <p>For Alcoholic Beverage Code Offenses and the offense of Public Intoxication (Sec. 49.02(e), P.C., defendant under the age of 21), court must require an alcohol awareness course. Sec. 106.115(a), A.B.C.</p> <p>For Alcoholic Beverage Code offenses, except DUI, and the offense of Public Intoxication (Sec. 49.02(e), P.C., defendant under the age of 21), court must require community service. Sec. 106.071(d), A.B.C.</p> <p><b>1st offense:</b> eight to 12 hours. <b>2nd offense:</b> 20 to 40 hours.</p>
<p style="text-align: center;"><b>Satisfactory Completion</b></p>	<p>Judge shall remove the judgment and dismiss the case; the dismissal must be noted in the docket. Court reports the completion date of the course after the court dismisses the case.</p>	<p>Judge shall dismiss and note in docket that complaint is dismissed. (Only report to DPS the order of deferred for Alcoholic Beverage Code offenses.)</p>
<p style="text-align: center;"><b>Failure to Complete</b></p>	<p>If defendant fails to furnish the evidence of course completion, a copy of his or her driving record as maintained by DPS that shows that he or she had not taken DSC or MOC within the 12 months preceding the date of offense, and the affidavit, the court shall set a show cause hearing and notify the person by mail. At the hearing the judge may, on a showing of good cause, allow the defendant time to present the uniform certificate of course completion. If the court does not grant more time, the court shall enter a final judgment ordering the defendant to pay the fine.</p> <p>If a defendant fails to appear at the show cause hearing, the court may, after signing a final judgment, issue a capias pro fine.</p>	<p>If defendant fails to comply with terms of the deferral, the court shall set a show cause hearing and notify the person by mail to the address on file. At the hearing the judge may, on a showing of good cause, allow an additional period during which the defendant may present evidence of compliance with requirements. If at the show cause hearing or by the conclusion of the additional period the defendant does not present satisfactory evidence of compliance, the judge may enter judgment and impose the fine. The judge may reduce fine previously assessed if the defendant is at least 25 years of age or older and not charged with a traffic offense. If the offense is a traffic offense, the court must report the traffic conviction to DPS.</p> <p>If a defendant fails to appear at the show cause hearing, the court may, after signing a final judgment, issue a capias pro fine.</p>
<p style="text-align: center;"><b>Appeal</b></p>	<p>The entering of the final judgment triggers the requirements for making a timely appeal (Arts. 45.042-45.043, C.C.P.).</p>	<p>The entering of the final judgment triggers the requirements for making a timely appeal (Arts. 45.042-45.043, C.C.P.).</p>

## “PROBATION-RELATED” DISMISSALS

Effective September 1, 2009

Court Process	Defendant Requirements	Fee/Costs	Dismissal
Deferred Disposition – Art. 45.051, C.C.P.	<ul style="list-style-type: none"> <li>Defendant required to comply with requirements imposed during deferral period.</li> <li>Present evidence of compliance.</li> </ul>	<ul style="list-style-type: none"> <li>Court costs required to be collected.*</li> <li>Court may impose special expense fee (not to exceed the amount of fine that could be imposed). Special expense fee may be collected at anytime before the date the probation ends. Court may elect not to collect for good cause shown. Art. 45.051(c), C.C.P.</li> </ul>	Court, on determining that defendant complied with the requirements imposed by the court, shall dismiss complaint and shall clearly note in the docket that complaint is dismissed and there is not a final conviction. Art. 45.051(c), C.C.P.
Driving Safety Course/Motorcycle Operator Training Course – Art. 45.0511, C.C.P.	<ul style="list-style-type: none"> <li>Proof of completion of driving safety course or motorcycle operator training course.</li> <li>Certified copy of driving record from the DPS if licensed in Texas (defendant who is active military will probably not have a Texas driving record).</li> <li>Affidavit stating that defendant was not taking a driving safety course or motorcycle operator training course, as applicable, on the date the request to take the course was made and had not completed a course that is not shown on the defendant’s driving record within the 12 months preceding the date of the offense.</li> <li>Texas driver’s license or permit (unless defendant is active military or is active military spouse or dependent child).</li> <li>Proof of financial responsibility.</li> </ul>	<ul style="list-style-type: none"> <li>Court costs required to be collected.*</li> <li>Fee up to \$10 optional under mandatory provision – Art. 45.0511(f)(1), C.C.P.</li> <li>Fee, up to the maximum amount of fine for that offense, allowed under the discretionary provisions – Art. 45.0511(f)(2), C.C.P.</li> </ul>	<p>Upon presentation of evidence of completion of course, certified copy of driving record showing defendant was eligible, and affidavit, court shall remove judgment (earlier judgment on defendant’s plea, on which court deferred imposition for 90 days) and dismiss charge. Art. 45.051(l), C.C.P.</p> <p>Court may dismiss only one charge for each completion of a course. Art. 45.0511(m), C.C.P.</p>
Teen Court – Art. 45.052, C.C.P.	<ul style="list-style-type: none"> <li>Complete teen court program.</li> <li>Show court evidence of completion of teen court program.</li> </ul>	<ul style="list-style-type: none"> <li>Court costs required to be collected.*</li> <li>Fee up to \$10 optional for administering teen court. Art. 45.052(e), C.C.P.</li> <li>\$10 optional fee for teen court performing its duties, paid to teen court program. Teen court program must account to court for disbursement of fee. Art. 45.052(g), C.C.P.</li> <li>Court may waive fees and court costs imposed by another statute. Art. 45.052(h), C.C.P.</li> </ul>	<p>Upon presentation of evidence that defendant completed teen court program, court shall dismiss charge. Article 45.052(c), C.C.P.</p> <p style="text-align: right;">→ Courts in TX/LA border region may charge \$20 fee in place of the \$10 fee.</p>
Commitment of Chemically Dependent Person – Art. 45.053, C.C.P.	<ul style="list-style-type: none"> <li>Court finds offense resulted from or was related to defendant’s chemical dependency.</li> <li>Application for court-ordered treatment of defendant filed in accordance with Ch. 462, H.S.C.</li> </ul>	Court costs required to be collected.*	Upon presentation of satisfactory evidence that defendant was committed for and completed court-ordered treatment, court shall dismiss charge and shall clearly note in the docket that complaint is dismissed and there is not a final conviction. Art. 45.053(b).
Attendance at a Tobacco Awareness Program – Sec. 161.253, H.S.C.	<ul style="list-style-type: none"> <li>Defendant required to complete tobacco awareness program or tobacco related community service not later than 90<sup>th</sup> day after conviction. (Court required to suspend execution of sentence for 90 days—Sec. 161.253(a), H.S.C.)</li> <li>Defendant not previously convicted of offense under Sec. 161.252.</li> </ul>	Court costs required to be collected.*	Upon presentation of evidence of completion of tobacco awareness program or community service, court shall dismiss charge. Sec. 161.252(f)(2), H.S.C.

\* Section 133.101, L.G.C.: For the purposes of determining criminal court costs and fees, a defendant is considered to be convicted in a case if:

- A judgment, a sentence, or both a judgment and a sentence are imposed on the person;
- The person receives community supervision, deferred adjudication, or deferred disposition;
- The court defers final disposition of the case or imposition of the judgment and sentence.



## COMPLIANCE DISMISSALS

Effective September 1, 2009

Offense	Statute	Length of Time to Comply	Other Required Conditions	Amount of Fee
Operate Motor Vehicle without License Plates or with One Plate	Section 502.404(f) & (g), Transportation Code	Before defendant's first court appearance.	Court may dismiss. <ul style="list-style-type: none"> <li>Registration for the vehicle must be current during period offense was committed; and</li> <li>Registration insignia was attached to the car before the defendant's first court appearance.</li> </ul>	Not to exceed \$10. Fee Required.
Expired Motor Vehicle Registration	Section 502.407(b), Transportation Code	20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.	Court may dismiss. Defendant must show proof of payment of late registration fee to county assessor-collector.	Not to exceed \$20. Fee Optional.
Display Altered, Unclean, or Obscured License Plates	Section 502.409(c), Transportation Code	Before the defendant's first court appearance.	Court may dismiss. None.	Not to exceed \$10. Fee Required.
Expired Driver's License	Section 521.026(a), Transportation Code	20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.	Court may dismiss. None.	Not to exceed \$20. Fee Optional.
Fail to Report Change of Address or Name	Section 521.054(d), Transportation Code	20 working days after the date of the offense.	Court may dismiss. None.	Not to exceed \$20. Fee Required. Court may waive in the interest of justice.
Violate Driver's License Restriction or Endorsement	Section 521.221(d), Transportation Code	Before the defendant's first court appearance.	Court may dismiss. <ul style="list-style-type: none"> <li>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 in error and that is established by the defendant; and</li> <li>DPS removes the restriction or endorsement before the defendant's first court appearance.</li> </ul>	Not to exceed \$10. Fee Required.
Operate Vehicle with Defective Required Equipment (or in Unsafe Condition)*	Section 547.004(c), Transportation Code	Before the defendant's first court appearance.	Court may dismiss. Does not apply if the offense involves a commercial motor vehicle.	Not to exceed \$10. Fee Required.
Expired Inspection (less than 60 days)	Section 548.605(b), Transportation Code	20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.	Court shall dismiss.	Not to exceed \$20. Fee Required.
Expired Inspection (more than 60 days)	Section 548.605(c), Transportation Code	20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.	Court may dismiss.	No Fee Authorized.
Expired Disabled Parking Placard (less than 60 days)	Section 681.013(b), Transportation Code	20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.	Court shall dismiss.	Not to exceed \$20. Fee Required.
Expired Disabled Parking Placard (more than 60 days)	Section 681.013(c), Transportation Code	20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.	Court may dismiss.	No Fee Authorized.
Expired Certificate of Number	Section 31.127(f), Parks and Wildlife Code	10 working days after the date of the offense.	Court may dismiss. <ul style="list-style-type: none"> <li>Certificate of number cannot be expired more than 60 days.</li> </ul>	Not to exceed \$10. Fee Required.

\*See back of page for list of common equipment violations.

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\*Operate Vehicle with Defective Required Equipment (or in unsafe condition): Section 547.004, T.C. Section 547.004 provides that a person commits an offense that is a misdemeanor if the person operates or moves or, as an owner, knowingly permits another to operate or move, a vehicle that:

- Is unsafe so as to endanger a person;
- Is not equipped in a manner that complies with the vehicle equipment standards and requirements established by Chapter 547; or
- Is equipped in a manner prohibited by Chapter 547.

The following is a list of common equipment violations:

- Allowed vehicle in unsafe condition to be moved or driven so as to endanger any person: Section 547.004
- Allow vehicle not equipped with required equipment to be moved or driven: Section 547.004
- Affix unauthorized suncreening device to motor vehicle: Section 547.613(a)(2)
- Brakes not maintained in good working order: Section 547.402
- Brakes not on all wheels when required: Sections 547.401 & 547.802
- Clearance (or side markers) improperly mounted): Section 547.354
- Defective brakes or no brakes: Sections 547.401 & 547.408
- Defective exhaust emission system: Section 547.605
- Defective head lamps: Section 547.321, 547.302 & 547.801
- Defective parking lamps: Section 547.383
- Defective safety glazing material: Section 547.608
- Defective stop lamp(s): Section 547.323
- Defective tail lamp(s): Section 547.322
- Defective or no windshield wiper: Section 547.603
- Headlamp improperly located on motorcycle: Section 547.801
- Improper flashing lights: Section 547.702(c)
- Improper use of back-up lamps: Section 547.332
- Improperly directed lamps (over 300 candlepower): Section 547.305
- Mirror violation (none or improperly located): Section 547.602
- Muffler violation (none, defective, loud, cut-out, by-pass): Section 547.604
- No beam indicator: Section 547.333
- No electric turn signal lamps: Section 547.324
- No exhaust emission system (originally equipped but removed): Section 547.605
- No headlamps (when not equipped): Sections 547.321 & 547.801
- No license plate lamp: Sections 547.322 and 547.801
- No multiple beam lighting equipment (or defective): Sections 547.333 & 547.801
- No parking brakes or defective parking brakes: Section 547.404
- No parking lamps: Section 545.383
- No red reflectors on rear: Sections 547.325 & 547.801
- No safety belts: Section 547.601
- No single control to operate all breaks: Sections 547.402 & 547.403
- No stop lamps: Sections 547.323 & 547.801
- No tail lamps: Section 547.322 & 547.801
- No two means of emergency brakes: Section 547.405(a)
- No windshield wiper: Section 547.603
- Obstructed view through windshield or side or rear windows: Section 547.613
- Red lights on front: Section 547.305
- Television receiver, video equipment improperly located (visible to driver): Section 547.611
- Wrong color clearance lamps: Section 547.305
- Wrong color stop light, license plate light, back-up lamp, signal device: Section 547.332

### OTHER DISMISSALS

Motions	Hearing	Fee	Dismissal
Defense	Pre-trial (prosecutor notified and gets copies) or trial. (Example: motion to quash complaint - quash means to set aside and dismiss)	None	Depends on information presented at hearing. Judge may grant motion and dismiss.
State (Prosecutor - City Attorney or Deputy City Attorney)	Pre-trial or trial. Depending on motion, defense gets copy. (If motion to dismiss, court should notify defendant and attorney, if any, if charge dismissed.)	None	Depends on information presented at hearing. Article 32.02, C.C.P. provides that the attorney representing the State may, by permission of the court, dismiss a criminal action at any time, upon filing a written statement with the papers in the case setting out his/her reasons for such dismissal, which shall be incorporated in the judgment of dismissal. No case shall be dismissed without the consent of the presiding judge.

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# MUNICIPAL JUVENILE/MINOR CHART



Jurisdiction	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BUJ*	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
Waiver of Jurisdiction - Transfer to Juvenile Court Sec. 51.08, F.C.	Yes. (See Art. 4.14, C.C.P.; Sec. 29.003, G.C.; Sec. 8.07, P.C.; and Sec. 51.03, F.C.)  Sec. 51.08, F.C. Under age 17: •May waive jurisdiction over first and second violations; •Shall waive jurisdiction after two previous convictions of any non-traffic fine-only offenses. •At age 17 or more, after two previous convictions, charge may be enhanced and filed in county court.	Yes. (See Art. 4.14, C.C.P.; Sec. 29.003, G.C.; Sec. 8.07, P.C.; and Sec. 51.03, F.C.) Court required to dismiss complaint for failure to attend school if not filed by 7 <sup>th</sup> day after student's last absence.  Sec. 51.08, F.C. Under age 17: •May waive jurisdiction over first and second violations; •Shall waive jurisdiction after two previous convictions of any non-traffic fine-only offenses. Age 17 – court retains jurisdiction.	Yes. (See Art. 4.14, C.C.P.; Sec. 29.003, G.C.; Sec. 8.07, P.C.; and Sec. 161.256, H.S.C.)  Sec. 161.257, H.S.C. May not waive jurisdiction. Title 3, Family Code (including transfer to juvenile court) does not apply to Subchapter N, H.S.C.	Yes. (See Art. 4.14, C.C.P.; Sec. 29.003, G.C.; Sec. 8.07, P.C.; and Sec. 51.03, F.C.) All fine-only offenses.	Yes. (See Art. 4.14, C.C.P.; Sec. 29.003, G.C.; Sec. 8.07, P.C.; and Sec. 51.03, F.C.) All fine-only offenses.	For exceptions, see section on offenses.  Sec. 51.08, F.C. Municipal court may not waive its jurisdiction over traffic violations.
Age Art. 45.058(h), C.C.P.; Sec. 51.02, F.C., Sec. 8.07, P.C.	Sec. 106.01. Definition of a minor - Under age 21. Sec. 51.02, F.C. & Art. 45.058(h), C.C.P. Child defined as at least 10 years of age & younger than age 17.	Sec. 106.01. Definition of a minor - Under age 21. Sec. 51.02, F.C. & Art. 45.058(h), C.C.P. Child defined as at least 10 years of age & younger than age 17.	Sec. 25.085. Compulsory School Attendance •Municipal court has jurisdiction if child at least age 10; •Child under age 6, if previously enrolled in 1st grade, or •At least age 6 and who has not reached his or her 18th birthday. (See Sec. 25.086 for Exemptions.)	Sec. 161.252, H.S.C. Definition of a minor - Under age 18. Sec. 51.02, F.C. & Art. 45.058(h), C.C.P. Child defined as at least 10 years of age & younger than age 17.	Sec. 8.07. Age Affecting Criminal Responsibility under age 17. Sec. 51.02, F.C. & Art. 45.058(h), C.C.P. Child defined as at least 10 years of age & younger than age 17.	Sec. 729.001. Operation of Motor Vehicle by Minor - Under age 17. Sec. 51.02, F.C. & Art. 45.058(h), C.C.P. Child defined as at least 10 years of age & younger than age 17.
Common Offenses	•Sec. 106.02. Purchase of Alcohol by Minor; •Sec. 106.025. Attempt to Purchase Alcohol by a Minor; •Sec. 106.04. Consumption of Alcohol by a Minor; •Sec. 106.05. Possession of Alcohol by a Minor; •Sec. 106.07. Misrepresentation of Age by a Minor.	•Sec. 106.041. Driving or Operating Watercraft Under the Influence of Alcohol by a Minor.  *Boating Under the Influence	•Sec. 25.094. Failure to Attend School; •Sec. 37.102. Rules (Enacted by School Board); •Sec. 37.107. Trespass on School Grounds; •Sec. 37.122. Possession of Intoxicants on School Grounds; •Sec. 37.124. Disruption of Classes; •Sec. 37.126. Disruption of Transportation.	Sec. 161.252 •Possession of cigarettes or tobacco; •Purchase of cigarettes or tobacco; •Consumption of cigarettes or tobacco; •Acceptance of cigarettes or tobacco; •Display false proof of age.	All fine-only offenses.	Sec. 729.001(a), T.C.; Sec. 8.07(a)(2), P.C.; Sec. 51.02(16), F.C. •Ch. 502. Registration of Vehicles, except Secs. 502.282 or 502.412; •Ch. 521. Driver's Licenses, except Sec. 521.457; •Subtitle C. Rules of the Road, except offenses punishable by imprisonment or by confinement in jail; •Ch. 601. Safety Responsibility •Ch. 621. Vehicle Size & Weight; •Ch. 661. Motorcycles & All Terrain Vehicles; •Ch. 681. Parking, Towing & Storage of Vehicles.

# MUNICIPAL JUVENILE/MINOR CHART

Penalties <sup>2</sup>	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BJI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
<p>Sec. 106.071 for offenses under Secs. 106.02, 106.025, 106.04, 106.05, 106.07.</p> <p><b>1<sup>st</sup> conviction</b></p> <ul style="list-style-type: none"> <li>•Class C misdemeanor (max \$500);</li> <li>•Mandatory alcohol awareness program, Sec. 106.115;</li> <li>•Mandatory 8-12 hours alcohol-related community service;</li> <li>•DL suspension or denial – 30 days; eff. 11<sup>th</sup> day after conviction.</li> </ul> <p><b>2<sup>nd</sup> conviction</b></p> <ul style="list-style-type: none"> <li>•Class C misdemeanor (max \$500);</li> <li>•Optional alcohol awareness program;</li> <li>•Mandatory 20-40 hours alcohol-related community service;</li> <li>•DL suspension or denial – 60 days; eff. 11<sup>th</sup> day after conviction.</li> </ul> <p><b>3<sup>rd</sup> conviction</b></p> <p>Under age 17:</p> <ul style="list-style-type: none"> <li>•See waiver provisions in chart.</li> </ul> <p>Age 17 &amp; under 21</p> <ul style="list-style-type: none"> <li>•Fine \$250 to \$2000 and/or confinement not to exceed 180 days if charge enhanced.</li> </ul> <p><b>Complete alcohol awareness program</b></p> <p>Court may reduce the fine to half the amount assessed.</p> <p><b>Failure to complete alcohol awareness program</b></p> <p>Court may give another 90 days to complete.</p> <ul style="list-style-type: none"> <li>•1<sup>st</sup> conviction: court must order DPS to suspend or deny issuance of DL for up to six months. Sec. 106.115(c), A.B.C.</li> <li>•2<sup>nd</sup> or subsequent conviction: court must order DPS to suspend or deny issuance of DL not to exceed one year.</li> </ul>	<p>Sec. 106.041.</p> <p><b>1<sup>st</sup> conviction</b></p> <ul style="list-style-type: none"> <li>•Class C misdemeanor (max \$500);</li> <li>•Mandatory alcohol awareness program;</li> <li>•Mandatory 20 to 40 hours alcohol-related community service;</li> <li>•Administrative DL suspension (separate proceeding under Chapters 524 and 724, T.C.—court does not suspend).</li> </ul> <p><b>2<sup>nd</sup> conviction</b></p> <ul style="list-style-type: none"> <li>•Class C misdemeanor (max \$500);</li> <li>•Optional alcohol awareness program;</li> <li>•Mandatory 40 to 60 hours of alcohol-related community service;</li> <li>•Administrative DL suspension (separate proceeding—Chapters 524 and 724, T.C.).</li> </ul> <p><b>3<sup>rd</sup> conviction</b></p> <p>Under age 17:</p> <ul style="list-style-type: none"> <li>•See waiver provisions in chart.</li> </ul> <p>Age 17 &amp; under 21</p> <ul style="list-style-type: none"> <li>•Fine \$250 to \$2000 and/or confinement not to exceed 180 days if charge enhanced.</li> </ul> <p><b>Complete alcohol awareness program</b></p> <p>Court may reduce the fine to half the amount assessed.</p> <p><b>Failure to complete alcohol awareness program</b></p> <p>Court may give another 90 days to complete.</p> <ul style="list-style-type: none"> <li>•1<sup>st</sup> conviction: court must order DPS to suspend or deny issuance of DL for up to six months. Sec. 106.115(c), A.B.C.</li> <li>•2<sup>nd</sup> or subsequent conviction: court must order DPS to suspend or deny issuance of DL not to exceed one year.</li> </ul>	<p>Secs. 25.094, 37.102, 37.107, 37.122, 37.124, 37.126.</p> <p>Class C misdemeanors (max \$500)</p> <p><b>Sec. 25.094(c)<sup>3</sup></b> – In addition to a fine, a court may order a sanction under Art. 45.054, C.C.P.:</p> <ul style="list-style-type: none"> <li>•Attend school without unexcused absences;</li> <li>•Attend preparatory class for GED (older child that will not do well in classroom environment) or, if child is 16 or older, take GED exam;</li> <li>•Attend a special program: <ul style="list-style-type: none"> <li>–alcohol &amp; drug abuse program;</li> <li>–rehabilitation program,</li> <li>–counseling program,</li> <li>–training in self-esteem &amp; leadership,</li> <li>–work and job skills training,</li> <li>–training in parenting,</li> <li>–manners training,</li> <li>–violence avoidance training,</li> <li>–sensitivity training,</li> <li>–advocacy, and</li> <li>–mentoring training;</li> </ul> </li> <li>•Attend class for student at risk of dropping out of school (may require parent to attend with child);</li> <li>•Community service;</li> <li>•Participate in tutorial program;</li> <li>•Order DPS to suspend or deny issuance of a DL for a period of time not to exceed 365 days.</li> </ul>	<p>Secs. 161.252 and 161.253</p> <p><b>1<sup>st</sup> conviction</b></p> <ul style="list-style-type: none"> <li>•A fine not to exceed \$250, but court shall suspend execution of sentence (court and imposed) and order tobacco awareness program. Court dismisses charge on completion of course.</li> <li>•If no course available, court shall require 8-12 hours tobacco-related community service.</li> </ul> <p><b>Subsequent offenses (enhanced)</b></p> <ul style="list-style-type: none"> <li>•A fine not to exceed \$250; Court shall suspend execution of sentence and order tobacco awareness course;</li> <li>•Upon completion of course, court may reduce fine to not less than half;</li> <li>•Failure to complete tobacco awareness course or community service, court required to order DPS to suspend or deny issuance of DL not to exceed 180 days after date of order.</li> </ul>	<p>Sec. 12.23</p> <p>Class C misdemeanor (max fine \$500). Under age 17 &amp; two prior convictions, see waiver provisions in chart.</p> <p><b>Public Intoxication (Sec. 49.02):</b></p> <p>Persons under age 21 charged with public intoxication, the penalty is under Sec. 106.071, A.B.C.; See penalties for Alcoholic Beverage Code Offenses other than DUI.</p>	<p>Secs. 729.001 and 729.002</p> <p>Penalty same as adult defendant. See general and specific penalty clauses throughout Transportation Code.</p>	

# MUNICIPAL JUVENILE/MINOR CHART

Appearance	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BIU	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
<p><b>Sec. 106.10, A.B.C.</b> •Must be in open court.</p> <p><b>Art. 45.0215, C.C.P.</b> Under age 17: •Must be in open court; •Parent or guardian required to appear with child; •Court must summon parent or guardian; •Court may waive presence, if unable to locate or compel parent's presence.</p> <p><b>Art. 45.057, C.C.P.</b> Court should provide notice to the child and parent of child (under age 17) and parent's obligation to notify the court in writing of the child's current address.</p>	<p><b>Sec. 106.10, A.B.C.</b> •Must be in open court.</p> <p><b>Art. 45.0215, C.C.P.</b> Under age 17: •Must be in open court; •Parent or guardian required to appear with child; •Court must summon parent or guardian; •Court may waive presence, if unable to locate or compel parent's presence.</p> <p><b>Art. 45.057, C.C.P.</b> Court should provide notice to the child and parent of child (under age 17) and parent's obligation to notify the court in writing of the child's current address.</p>	<p><b>Sec. 106.10, A.B.C.</b> •Must be in open court.</p> <p><b>Art. 45.0215, C.C.P.</b> Under age 17: •Must be in open court; •Parent or guardian required to appear with child; •Court must summon parent or guardian; •Court may waive presence, if unable to locate or compel parent's presence.</p> <p><b>Art. 45.054, C.C.P.</b> Failure to Attend School Proceedings: court required to summon parents to appear with defendant regardless of defendant's age.</p> <p><b>Art. 45.057, C.C.P.</b> Court should provide notice to the child and parent of child (under age 17) and parent's obligation to notify the court in writing of the child's current address.</p>	<p><b>Art. 45.0215, C.C.P.</b> Under age 17: •Must be in open court; •Parent or guardian required to appear with child; •Court must summon parent or guardian; •Court may waive presence, if unable to locate or compel parent's presence.</p> <p>Age 17 – parent's presence not required.</p> <p><b>Art. 45.057, C.C.P.</b> Court should provide notice to the child and parent of child (under age 17) and parent's obligation to notify the court in writing of the child's current address.</p>	<p><b>Art. 45.0215, C.C.P.</b> Under age 17: •Must be in open court; •Parent or guardian required to appear with child; •Court must summon parent or guardian; •Court may waive presence, if unable to locate or compel parent's presence.</p> <p><b>Art. 45.057, C.C.P.</b> Court should provide notice to the child and parent of child (under age 17) and parent's obligation to notify the court in writing of the child's current address.</p>	<p><b>Art. 45.0215, C.C.P.</b> Under age 17: •Must be in open court; •Parent or guardian required to appear with child; •Court must summon parent or guardian; •Court may waive presence, if unable to locate or compel parent's presence.</p> <p><b>Art. 45.057, C.C.P.</b> Court should provide notice to the child and parent of child (under age 17) and parent's obligation to notify the court in writing of the child's current address.</p>	<p><b>Art. 45.0215, C.C.P.</b> Under age 17: •Must be in open court; •Parent or guardian required to appear with child; •Court must summon parent or guardian; •Court may waive presence, if unable to locate or compel parent's presence.</p> <p><b>Art. 45.057, C.C.P.</b> Court should provide notice to the child and parent of child (under age 17) and parent's obligation to notify the court in writing of the child's current address.</p>
<p><b>Custody<sup>4</sup></b> <b>Art. 45.058, C.C.P.</b></p>	<p>•A child at least age 10 and under age 17 may be taken into nonsecure custody.</p> <p>•Child may be: -released to parent, guardian, custodian, or other responsible adult; -taken before a municipal or justice court; -taken to a place of nonsecure custody – held for not more than 6 hours.</p> <p>•If a minor who is a child has been referred to juvenile court under Sec. 51.08(b), F.C. or Art. 45.050, C.C.P., the child may be detained in a juvenile detention facility.</p> <p>•A minor age 17 when offense committed may be handled as an adult.</p>	<p>•A child at least age 10 and under age 17 may be taken into nonsecure custody.</p> <p>•Child may be: -released to parent, guardian, custodian, or other responsible adult; -taken before a municipal or justice court; -taken to a place of nonsecure custody – held for not more than 6 hours.</p> <p>•If a minor who is a child has been referred to juvenile court under Sec. 51.08(b), F.C. or Art. 45.050, C.C.P., the child may be detained in a juvenile detention facility.</p> <p>•A minor age 17 when offense committed may be handled as an adult.</p>	<p>•A child at least age 10 and under age 17 may be taken into nonsecure custody.</p> <p>•Child may be: -released to parent, guardian, custodian, or other responsible adult; -taken before a municipal or justice court; -taken to a place of nonsecure custody – held for not more than 6 hours.</p> <p>•If a minor who is a child has been referred to juvenile court under Sec. 51.08(b), F.C. or Art. 45.050, C.C.P., the child may be detained in a juvenile detention facility.</p> <p>•A minor age 17 when offense committed may be handled as an adult.</p>	<p>•A child at least age 10 and under age 17 may be taken into nonsecure custody.</p> <p>•Child may be: -released to parent, guardian, custodian, or other responsible adult; -taken before a municipal or justice court; -taken to a place of nonsecure custody – held for not more than 6 hours.</p> <p>•If a minor who is a child has been referred to juvenile court under Sec. 51.08(b), F.C. or Art. 45.050, C.C.P., the child may be detained in a juvenile detention facility.</p> <p>•A minor age 17 when offense committed may be handled as an adult.</p>	<p>•A child at least age 10 and under age 17 may be taken into nonsecure custody.</p> <p>•Child may be: -released to parent, guardian, custodian, or other responsible adult; -taken before a municipal or justice court; -taken to a place of nonsecure custody – held for not more than 6 hours.</p> <p>•If a child has been referred to juvenile court under Sec. 51.08(b), F.C. or Art. 45.050, C.C.P., the child may be detained in a juvenile detention facility.</p>	<p>•A child at least age 10 and under age 17 may be taken into nonsecure custody.</p> <p>•Child may be: -released to parent, guardian, custodian, or other responsible adult; -taken before a municipal or justice court; -taken to a place of nonsecure custody – held for not more than 6 hours.</p> <p>•If a child has been referred to juvenile court under Sec. 51.08(b), F.C. or Art. 45.050, C.C.P., the child may be detained in a juvenile detention facility.</p>

# MUNICIPAL JUVENILE/MINOR CHART

	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BIJ	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
Failure to Appear	<p><b>Sec. 38.10, P.C.</b>—Failure to Appear may be charged.</p> <p><b>Art. 45.058, C.C.P.</b> Court may issue an order for nonsecure custody.</p> <p><b>Art. 45.057(h), C.C.P.</b> Child may be charged with the offense of failure to provide written notice of current address. (It is an affirmative defense to prosecution if the child and parent were not informed of their obligation to notify the court of change of address.)</p> <p><b>Secs. 521.201(8) and 521.294(6), T.C.</b> Court may report failure to appear to DPS.</p>	<p><b>Sec. 38.10, P.C.</b>—Failure to Appear may be charged.</p> <p><b>Art. 45.058, C.C.P.</b> Court may issue an order for nonsecure custody.</p> <p><b>Art. 45.057(h), C.C.P.</b> Child may be charged with the offense of failure to provide written notice of current address. (It is an affirmative defense to prosecution if the child and parent were not informed of their obligation to notify the court of change of address.)</p> <p><b>Secs. 521.201(8) and 521.294(6), T.C.</b> Court may report failure to appear to DPS.</p>	<p><b>Sec. 38.10, P.C.</b>—Failure to Appear may be charged.</p> <p><b>Art. 45.058, C.C.P.</b> Court may issue an order for nonsecure custody.</p> <p><b>Art. 45.057(h), C.C.P.</b> Child may be charged with the offense of failure to provide written notice of current address. (It is an affirmative defense to prosecution if the child and parent were not informed of their obligation to notify the court of change of address.)</p> <p><b>Secs. 521.201(8) and 521.294(6), T.C.</b> Court may report failure to appear to DPS.</p>	<p><b>Sec. 38.10, P.C.</b>—Failure to Appear may be charged.</p> <p><b>Art. 45.058, C.C.P.</b> Court may issue an order for nonsecure custody.</p> <p><b>Art. 45.057(h), C.C.P.</b> Child may be charged with the offense of failure to provide written notice of current address. (It is an affirmative defense to prosecution if the child and parent were not informed of their obligation to notify the court of change of address.)</p> <p><b>Secs. 521.201(8) and 521.294(6), T.C.</b> Court may report failure to appear to DPS.</p>	<p><b>Sec. 543.009, T.C.</b>—Violation of Promise to Appear may be charged for Subtitle C, Rules of the Road offenses.</p> <p><b>Sec. 38.10 P.C.</b>—Failure to Appear may be charged for other traffic offenses.</p> <p><b>Art. 45.058, C.C.P.</b>—Court may issue an order for nonsecure custody.</p> <p><b>Art. 45.057(h), C.C.P.</b> Child may be charged with the offense of failure to provide written notice of current address. (It is an affirmative defense to prosecution if the child and parent were not informed of their obligation to notify the court of change of address.)</p> <p><b>Sec. 521.3452, T.C.</b> Court shall report failure to appear to DPS.</p>	<p><b>Art. 45.050, C.C.P.</b> Applies to: children under age 17; children who turn age 17 before contempt proceedings can be held; and persons who failed to obey court order while age 17 or older. Court must provide notice of and conduct a hearing on contempt, before court may:</p> <ul style="list-style-type: none"> <li>• refer the child to the juvenile court for delinquent conduct for contempt of the municipal court order (if child turns age 17 court may not refer to juvenile court); or</li> <li>• retain jurisdiction and hold child/person in contempt of court</li> </ul> <p>- max fine \$500; and/or - order suspension or denial of DL until child/person fully complies with orders.</p>
Violation of a Court Order; Failure to Pay Fine; Art. 45.050, C.C.P.	<p><b>Art. 45.050, C.C.P.</b> Applies to: children under age 17; children who turn age 17 before contempt proceedings can be held; and persons who failed to obey court order while age 17 or older. Court must provide notice of and conduct a hearing on contempt, before court may:</p> <ul style="list-style-type: none"> <li>• refer the child to the juvenile court for delinquent conduct for contempt of the municipal court order (if child turns age 17 court may not refer to juvenile court); or</li> <li>• retain jurisdiction and hold child/person in contempt of court</li> </ul> <p>- max fine \$500; and/or - order suspension or denial of DL until child/person fully complies with orders.</p> <p>All defendants: • Failure to complete alcohol awareness course, see section on penalties this chart.</p>	<p><b>Art. 45.050, C.C.P.</b> Applies to: children under age 17; children who turn age 17 before contempt proceedings can be held; and persons who failed to obey court order while age 17 or older. Court must provide notice of and conduct a hearing on contempt, before court may:</p> <ul style="list-style-type: none"> <li>• refer the child to the juvenile court for delinquent conduct for contempt of the municipal court order (if child turns age 17 court may not refer to juvenile court); or</li> <li>• retain jurisdiction and hold child/person in contempt of court</li> </ul> <p>- max fine \$500; and/or - order suspension or denial of DL until child/person fully complies with orders.</p> <p>All defendants: • Failure to complete alcohol awareness course, see section on penalties this chart.</p>	<p><b>Art. 45.050, C.C.P.</b> Applies to: children under age 17; children who turn age 17 before contempt proceedings can be held; and persons who failed to obey court order while age 17 or older. Court must provide notice of and conduct a hearing on contempt, before court may:</p> <ul style="list-style-type: none"> <li>• refer the child to the juvenile court for delinquent conduct for contempt of the municipal court order (if child turns age 17 court may not refer to juvenile court); or</li> <li>• retain jurisdiction and hold child/person in contempt of court</li> </ul> <p>- max fine \$500; and/or - order suspension or denial of DL until child/person fully complies with orders.</p> <p>All defendants: • Failure to complete tobacco awareness course, see section on penalties this chart.</p>	<p><b>Art. 45.050, C.C.P.</b> Applies to: children under age 17; children who turn age 17 before contempt proceedings can be held; and persons who failed to obey court order while age 17 or older. Court must provide notice of and conduct a hearing on contempt, before court may:</p> <ul style="list-style-type: none"> <li>• refer the child to the juvenile court for delinquent conduct for contempt of the municipal court order (if child turns age 17 court may not refer to juvenile court); or</li> <li>• retain jurisdiction and hold child/person in contempt of court</li> </ul> <p>- max fine \$500; and/or - order suspension or denial of DL until child/person fully complies with orders.</p>	<p><b>Art. 45.050, C.C.P.</b> Applies to: children under age 17; children who turn age 17 before contempt proceedings can be held; and persons who failed to obey court order while age 17 or older. Court must provide notice of and conduct a hearing on contempt, before court may:</p> <ul style="list-style-type: none"> <li>• refer the child to the juvenile court for delinquent conduct for contempt of the municipal court order (if child turns age 17 court may not refer to juvenile court); or</li> <li>• retain jurisdiction and hold child/person in contempt of court</li> </ul> <p>- max fine \$500; and/or - order suspension or denial of DL until child/person fully complies with orders.</p>	

# MUNICIPAL JUVENILE/MINOR CHART

	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BIUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
<b>Expunction<sup>5</sup></b>	<p><b>Sec. 106.12, A.B.C.</b> Yes. May apply to municipal court at age 21 if only one conviction under Alcoholic Beverage Code.</p> <p><b>Sec. 106.12(d), A.B.C.</b> Court shall charge \$30 fee for each application.</p>	<p><b>Sec. 106.12, A.B.C.</b> Yes. May apply to municipal court at age 21 if only one conviction under Alcoholic Beverage Code.</p> <p><b>Sec. 106.12(d), A.B.C.</b> Court shall charge \$30 fee for each application.</p>	<p><b>Art. 45.055, C.C.P.</b> Yes. May apply to municipal court if only one conviction for offense of failure to attend school. (Sec. 25.094)</p> <ul style="list-style-type: none"> <li>• Court must notify child of right;</li> <li>• Court must give copy of Art. 45.055, C.C.P.</li> <li>• May apply at age 18;</li> <li>• Must submit written request as applicant;</li> <li>• Form of submission determined by applicant;</li> <li>• Must pay \$30 fee.</li> </ul> <p><b>Art. 45.0216, C.C.P.</b> Other fine-only Education Code Offenses:</p> <ul style="list-style-type: none"> <li>• Court must notify child of right;</li> <li>• Court must give copy of Art. 45.0216, C.C.P.;</li> <li>• Not more than one conviction;</li> <li>• Child may apply on or after age 17;</li> <li>• Apply to trial court;</li> <li>• Child makes request under oath;</li> <li>• Court shall charge \$30 fee.</li> </ul>	<p><b>Sec. 161.255, H.S.C.</b> Yes.</p> <ul style="list-style-type: none"> <li>• May apply to the court to have conviction expunged;</li> <li>• Applicant must have completed tobacco awareness course;</li> <li>• May have multiple convictions expunged as long as applicant completed tobacco awareness course for each conviction.</li> <li>• Court shall charge \$30 fee.</li> </ul>	<p><b>Art. 45.0216, C.C.P.</b></p> <ul style="list-style-type: none"> <li>• Court must notify child of right;</li> <li>• Court must give copy of Art. 45.0216, C.C.P.;</li> <li>• Not more than one conviction;</li> <li>• Child may apply on or after age 17;</li> <li>• Apply to trial court;</li> <li>• Child makes request under oath;</li> <li>• Court shall charge \$30 fee.</li> </ul>	<p><b>Ch. 55, C.C.P.</b> Expunction order must be filed in district court.</p>
<b>Child Turns age 17 after Failure to Appear</b>	<p><b>Art. 45.060, C.C.P.</b> Court must have used all available procedures under Chapter 45 to secure appearance while under the age of 17 before proceeding under Art. 45.060, C.C.P.</p> <p>At age 17 or older, court issues an order to appear. Order must have a warning about continuing obligation to appear and that failure to appear may result in a warrant being issued.</p> <p>If person fails to appear after notice, prosecutor may file complaint for violation of obligation to appear under Art. 45.060 and court may issue a warrant of arrest.</p>	<p><b>Art. 45.060, C.C.P.</b> Court must have used all available procedures under Chapter 45 to secure appearance while under the age of 17 before proceeding under Art. 45.060, C.C.P.</p> <p>At age 17 or older, court issues an order to appear. Order must have a warning about continuing obligation to appear and that failure to appear may result in a warrant being issued.</p> <p>If person fails to appear after notice, prosecutor may file complaint for violation of obligation to appear under Art. 45.060 and court may issue a warrant of arrest.</p>	<p><b>Art. 45.060, C.C.P.</b> Court must have used all available procedures under Chapter 45 to secure appearance while under the age of 17 before proceeding under Art. 45.060, C.C.P.</p> <p>At age 17 or older, court issues an order to appear. Order must have a warning about continuing obligation to appear and that failure to appear may result in a warrant being issued.</p> <p>If person fails to appear after notice, prosecutor may file complaint for violation of obligation to appear under Art. 45.060 and court may issue a warrant of arrest.</p>	<p><b>Art. 45.060, C.C.P.</b> Court must have used all available procedures under Chapter 45 to secure appearance while under the age of 17 before proceeding under Art. 45.060, C.C.P.</p> <p>At age 17 or older, court issues an order to appear. Order must have a warning about continuing obligation to appear and that failure to appear may result in a warrant being issued.</p> <p>If person fails to appear after notice, prosecutor may file complaint for violation of obligation to appear under Art. 45.060 and court may issue a warrant of arrest.</p>	<p><b>Art. 45.060, C.C.P.</b> Court must have used all available procedures under Chapter 45 to secure appearance while under the age of 17 before proceeding under Art. 45.060, C.C.P.</p> <p>At age 17 or older, court issues an order to appear. Order must have a warning about continuing obligation to appear and that failure to appear may result in a warrant being issued.</p> <p>If person fails to appear after notice, prosecutor may file complaint for violation of obligation to appear under Art. 45.060 and court may issue a warrant of arrest.</p>	<p><b>Art. 45.060, C.C.P.</b> Court must have used all available procedures under Chapter 45 to secure appearance while under the age of 17 before proceeding under Art. 45.060, C.C.P.</p> <p>At age 17 or older, court issues an order to appear. Order must have a warning about continuing obligation to appear and that failure to appear may result in a warrant being issued.</p> <p>If person fails to appear after notice, prosecutor may file complaint for violation of obligation to appear under Art. 45.060 and court may issue a warrant of arrest.</p>

# MUNICIPAL JUVENILE/MINOR CHART

	Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/BIUI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
<p><b>Child Turns age 17 after Failing to Pay Fines; <i>Capias Pro Fines</i>; Art. 45.045, C.C.P.</b></p> <p>Court must determine before issuing a <i>capias pro fine</i>:</p> <ul style="list-style-type: none"> <li>that person is age 17 or older;</li> <li>that issuance of <i>capias pro fine</i> is justified (must consider sophistication &amp; maturity, criminal record and history of individual, and the reasonable likelihood of bringing about the discharge of judgment by other procedures); and</li> <li>that the court has proceeded under Art. 45.050, C.C.P.</li> </ul>	<p><b>Art. 45.045, C.C.P.</b></p> <p>Court must determine before issuing a <i>capias pro fine</i>:</p> <ul style="list-style-type: none"> <li>that person is age 17 or older;</li> <li>that issuance of <i>capias pro fine</i> is justified (must consider sophistication &amp; maturity, criminal record and history of individual, and the reasonable likelihood of bringing about the discharge of judgment by other procedures); and</li> <li>that the court has proceeded under Art. 45.050, C.C.P.</li> </ul>	<p><b>Art. 45.045, C.C.P.</b></p> <p>Court must determine before issuing a <i>capias pro fine</i>:</p> <ul style="list-style-type: none"> <li>that person is age 17 or older;</li> <li>that issuance of <i>capias pro fine</i> is justified (must consider sophistication &amp; maturity, criminal record and history of individual, and the reasonable likelihood of bringing about the discharge of judgment by other procedures); and</li> <li>that the court has proceeded under Art. 45.050, C.C.P.</li> </ul>	<p><b>Art. 45.045, C.C.P.</b></p> <p>Court must determine before issuing a <i>capias pro fine</i>:</p> <ul style="list-style-type: none"> <li>that person is age 17 or older;</li> <li>that issuance of <i>capias pro fine</i> is justified (must consider sophistication &amp; maturity, criminal record and history of individual, and the reasonable likelihood of bringing about the discharge of judgment by other procedures); and</li> <li>that the court has proceeded under Art. 45.050, C.C.P.</li> </ul>	<p><b>Art. 45.045, C.C.P.</b></p> <p>Court must determine before issuing a <i>capias pro fine</i>:</p> <ul style="list-style-type: none"> <li>that person is age 17 or older;</li> <li>that issuance of <i>capias pro fine</i> is justified (must consider sophistication &amp; maturity, criminal record and history of individual, and the reasonable likelihood of bringing about the discharge of judgment by other procedures); and</li> <li>that the court has proceeded under Art. 45.050, C.C.P.</li> </ul>	<p><b>Art. 45.045, C.C.P.</b></p> <p>Court must determine before issuing a <i>capias pro fine</i>:</p> <ul style="list-style-type: none"> <li>that person is age 17 or older;</li> <li>that issuance of <i>capias pro fine</i> is justified (must consider sophistication &amp; maturity, criminal record and history of individual, and the reasonable likelihood of bringing about the discharge of judgment by other procedures); and</li> <li>that the court has proceeded under Art. 45.050, C.C.P.</li> </ul>	<p><b>Art. 45.045, C.C.P.</b></p> <p>Court must determine before issuing a <i>capias pro fine</i>:</p> <ul style="list-style-type: none"> <li>that person is age 17 or older;</li> <li>that issuance of <i>capias pro fine</i> is justified (must consider sophistication &amp; maturity, criminal record and history of individual, and the reasonable likelihood of bringing about the discharge of judgment by other procedures); and</li> <li>that the court has proceeded under Art. 45.050, C.C.P.</li> </ul>
<p><b>Reports</b></p>	<p><b>Sec. 51.08(c), F.C.</b></p> <p>Under age 17</p> <ul style="list-style-type: none"> <li>Juvenile court when case filed;</li> <li>Juvenile court when case disposed.</li> </ul> <p><b>Secs. 521.201(8) and 521.294(6), T.C.</b></p> <p>Under age 17</p> <ul style="list-style-type: none"> <li>DPS, if child fails to appear;</li> <li>DPS, when case adjudicated.</li> </ul> <p><b>Sec. 521.3451, T.C.</b></p> <p>DPS, when child found in contempt for failure to pay under Art. 45.050, C.C.P. &amp; court orders suspension or denial of DL;</p> <p>DPS, when child makes final disposition.</p> <p><b>Sec. 106.116, A.B.C.</b></p> <ul style="list-style-type: none"> <li>Tex. Alcoholic Bev. Commission, if requested.</li> </ul> <p><b>Sec. 106.117, A.B.C.</b></p> <p>All minors</p> <ul style="list-style-type: none"> <li>DPS, upon conviction or order of deferred;</li> </ul> <p><b>Sec. 106.115(d), A.B.C.</b></p> <p>All minors</p> <ul style="list-style-type: none"> <li>DPS, court order of DL suspension or denial not to exceed six months upon failure to complete alcohol awareness program or community service.</li> </ul>	<p><b>Sec. 51.08(c), F.C.</b></p> <p>Under age 17</p> <ul style="list-style-type: none"> <li>Juvenile court when case filed;</li> <li>Juvenile court when case disposed.</li> </ul> <p><b>Secs. 521.201(8) and 521.294(6), T.C.</b></p> <p>Under age 17</p> <ul style="list-style-type: none"> <li>DPS, if child fails to appear;</li> <li>DPS, when case adjudicated.</li> </ul> <p><b>Sec. 521.3451, T.C.</b></p> <p>DPS, when child found in contempt for failure to pay under Art. 45.050, C.C.P. &amp; court orders suspension or denial of DL;</p> <p>DPS, when child makes final disposition.</p> <p><b>Sec. 106.116, A.B.C.</b></p> <ul style="list-style-type: none"> <li>Tex. Alcoholic Bev. Commission, if requested.</li> </ul> <p><b>Sec. 106.117, A.B.C.</b></p> <p>All minors</p> <ul style="list-style-type: none"> <li>DPS, upon conviction, order of deferred, and acquittal under 106.041.</li> </ul> <p><b>Sec. 106.115(d), A.B.C.</b></p> <p>All minors</p> <ul style="list-style-type: none"> <li>DPS, court order of DL suspension or denial not to exceed six months upon failure to complete alcohol awareness program or community service.</li> </ul>	<p><b>Sec. 51.08(c), F.C.</b></p> <p>Under age 17</p> <ul style="list-style-type: none"> <li>Juvenile court when case filed;</li> <li>Juvenile court when case disposed.</li> </ul> <p><b>Secs. 521.201(8) and 521.294(6), T.C.</b></p> <p>Under age 17</p> <ul style="list-style-type: none"> <li>DPS, if child fails to appear;</li> <li>DPS, when case adjudicated.</li> </ul> <p><b>Sec. 521.3451, T.C.</b></p> <p>DPS, when child found in contempt for failure to pay under Art. 45.050, C.C.P. &amp; court orders suspension or denial of DL;</p> <p>DPS, when child makes final disposition.</p>	<p><b>Sec. 161.254, H.S.C.</b></p> <p>All minors</p> <ul style="list-style-type: none"> <li>DPS, if defendant fails to present evidence of completion of tobacco-related program or community service. Court required to order DL suspended or denied for a period not to exceed 180 days.</li> </ul> <p><b>Secs. 521.201(8) and 521.294(6), T.C.</b></p> <p>Under age 17</p> <ul style="list-style-type: none"> <li>DPS, if child fails to appear;</li> <li>DPS, when case adjudicated.</li> </ul> <p><b>Sec. 521.3451, T.C.</b></p> <p>DPS, when child found in contempt for failure to pay under Art. 45.050, C.C.P. &amp; court orders suspension or denial of DL;</p> <p>DPS, when child makes final disposition.</p>	<p><b>Sec. 51.08(c), F.C.</b></p> <p>Under age 17</p> <ul style="list-style-type: none"> <li>Juvenile court when case filed;</li> <li>Juvenile court when case disposed.</li> </ul> <p><b>Secs. 521.201(8) and 521.294(6), T.C.</b></p> <p>Under age 17</p> <ul style="list-style-type: none"> <li>DPS, if child fails to appear;</li> <li>DPS, when case adjudicated.</li> </ul> <p><b>Sec. 521.3451, T.C.</b></p> <p>DPS, when child found in contempt for failure to pay under Art. 45.050, C.C.P. &amp; court orders suspension or denial of DL;</p> <p>DPS, when child makes final disposition.</p>	<p><b>Sec. 543.203, T.C.</b></p> <ul style="list-style-type: none"> <li>Convictions reported to DPS.</li> </ul> <p><b>Sec. 521.3452, T.C.</b></p> <p>Under age 17</p> <ul style="list-style-type: none"> <li>Court required to report failure to appear.</li> </ul> <p><b>Secs. 521.201(7) and 521.294(5), T.C.</b></p> <ul style="list-style-type: none"> <li>DPS, if child fails to appear;</li> <li>DPS, when case adjudicated.</li> </ul> <p><b>Sec. 521.3451, T.C.</b></p> <ul style="list-style-type: none"> <li>DPS, when child found in contempt for failure to pay under Art. 45.050, C.C.P. &amp; court orders suspension or denial of DL;</li> <li>DPS, when child makes final disposition.</li> </ul>

# MUNICIPAL JUVENILE/MINOR CHART

Alcoholic Beverage Code	Alcoholic Beverage Code/DUI/DWI	Education Code	Health and Safety Code	Penal Code	Transportation Code Chapter 729
<p><b>Parents</b><sup>6</sup></p> <p><b>Alcoholic Beverage Code</b></p> <p><b>Art. 45.0215, C.C.P.</b></p> <ul style="list-style-type: none"> <li>• Court required to issue summons for parents.</li> <li>• Failure to appear with child in court is a Class C misdemeanor.</li> </ul> <p><b>Art. 45.057(a), C.C.P.</b></p> <ul style="list-style-type: none"> <li>• Parent includes a person standing in parental relation, a managing conservator, or a custodian.</li> </ul> <p><b>Art. 45.057(g), C.C.P.</b></p> <ul style="list-style-type: none"> <li>• Failure to appear with child in court is a Class C misdemeanor.</li> </ul> <p><b>Art. 45.057(h), C.C.P.</b></p> <ul style="list-style-type: none"> <li>• Failure to notify the court in writing of the child's current address is a Class C misdemeanor.</li> </ul> <p><b>Art. 45.057, C.C.P.</b></p> <p>Court may order:</p> <ul style="list-style-type: none"> <li>• Attend a parenting class.</li> <li>• Attend child's school classes &amp; functions.</li> <li>• Pay up to \$100 for special program for child.</li> <li>• Parent to do an act or refrain from doing an act that will increase likelihood that child will comply.</li> </ul> <p><b>Sec. 106.115(d), A.B.C.</b></p> <ul style="list-style-type: none"> <li>• Court may order parent to do any act or refrain from an act to increase likelihood that minor will complete alcohol awareness program after child fails to complete program.</li> </ul>	<p><b>Alcoholic Beverage Code/DUI/DWI</b></p> <p><b>Art. 45.0215, C.C.P.</b></p> <ul style="list-style-type: none"> <li>• Court required to issue summons for parents.</li> <li>• Failure to appear with child in court is a Class C misdemeanor.</li> </ul> <p><b>Art. 45.057(a), C.C.P.</b></p> <ul style="list-style-type: none"> <li>• Parent includes a person standing in parental relation, a managing conservator, or a custodian.</li> </ul> <p><b>Art. 45.057(g), C.C.P.</b></p> <ul style="list-style-type: none"> <li>• Failure to appear with child in court is a Class C misdemeanor.</li> </ul> <p><b>Art. 45.057(h), C.C.P.</b></p> <ul style="list-style-type: none"> <li>• Failure to notify the court in writing of the child's current address is a Class C misdemeanor.</li> </ul> <p><b>Art. 45.057, C.C.P.</b></p> <p>Court may order:</p> <ul style="list-style-type: none"> <li>• Attend a parenting class.</li> <li>• Attend child's school classes &amp; functions.</li> <li>• Pay up to \$100 for special program for child.</li> <li>• Parent to do an act or refrain from doing an act that will increase likelihood that child will comply.</li> </ul> <p><b>Sec. 106.115(d), A.B.C.</b></p> <ul style="list-style-type: none"> <li>• Court may order parent to do any act or refrain from an act to increase likelihood that minor will complete alcohol awareness program after child fails to complete program.</li> </ul>	<p><b>Education Code</b></p> <p><b>Art. 45.0215, C.C.P.</b></p> <ul style="list-style-type: none"> <li>• Court required to issue summons for parents.</li> <li>• Failure to appear with child in court is a Class C misdemeanor.</li> </ul> <p><b>Sec. 25.093, E.C.</b></p> <ul style="list-style-type: none"> <li>• May be charged with the offense of Parent Contributing to Nonattendance, a Class C misdemeanor.</li> </ul> <p><b>Art. 45.054, C.C.P.</b></p> <ul style="list-style-type: none"> <li>• Order parent to attend a class for students at risk of dropping out of school.</li> </ul> <p><b>Art. 45.057(a), C.C.P.</b></p> <ul style="list-style-type: none"> <li>• Parent includes a person standing in parental relation, a managing conservator, or a custodian.</li> </ul> <p><b>Art. 45.057, C.C.P.</b></p> <p>Court may order:</p> <ul style="list-style-type: none"> <li>• Attend a parenting class.</li> <li>• Attend child's school classes &amp; functions.</li> <li>• Pay up to \$100 for special program for child.</li> <li>• Parent to do an act or refrain from doing an act that will increase likelihood that child will comply.</li> </ul> <p><b>Art. 45.057(h), C.C.P.</b></p> <ul style="list-style-type: none"> <li>• Failure to notify the court in writing of the child's current address is a Class C misdemeanor.</li> </ul> <p><b>Art. 45.057, C.C.P.</b></p> <p>Court may order:</p> <ul style="list-style-type: none"> <li>• Attend a parenting class.</li> <li>• Attend child's school classes &amp; functions.</li> <li>• Pay up to \$100 for special program for child.</li> <li>• Parent to do an act or refrain from doing an act that will increase likelihood that child will comply.</li> </ul> <p><b>Art. 45.054(d), C.C.P.</b></p> <ul style="list-style-type: none"> <li>• Failure to comply with summons to appear with child charged with failure to attend school is a Class C misdemeanor.</li> </ul> <p><b>Art. 45.057(h), C.C.P.</b></p> <ul style="list-style-type: none"> <li>• Failure to notify the court in writing of the child's current address is a Class C misdemeanor.</li> </ul>	<p><b>Health and Safety Code</b></p> <p><b>Art. 45.0215, C.C.P.</b></p> <ul style="list-style-type: none"> <li>• Court required to issue summons for parents.</li> <li>• Failure to appear with child in court is a Class C misdemeanor.</li> </ul> <p><b>Art. 45.057(a), C.C.P.</b></p> <ul style="list-style-type: none"> <li>• Parent includes a person standing in parental relation, a managing conservator, or a custodian.</li> </ul> <p><b>Art. 45.057(g), C.C.P.</b></p> <ul style="list-style-type: none"> <li>• Failure to appear with child in court is a Class C misdemeanor.</li> </ul> <p><b>Art. 45.057, C.C.P.</b></p> <p>Court may order:</p> <ul style="list-style-type: none"> <li>• Attend a parenting class.</li> <li>• Attend child's school classes &amp; 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functions.</li> <li>• Pay up to \$100 for special program for child.</li> <li>• Parent to do an act or refrain from doing an act that will increase likelihood that child will comply.</li> </ul> <p><b>Art. 45.057(h), C.C.P.</b></p> <ul style="list-style-type: none"> <li>• Failure to notify the court in writing of the child's current address is a Class C misdemeanor.</li> </ul>

## MUNICIPAL JUVENILE/MINOR CHART

<sup>1</sup>Art. 45.056, C.C.P., provides authority for municipal courts to employ case managers for juvenile cases. Sec.51.08, F.C., provides that a court that has implemented a juvenile case manager program under Art. 45.056, C.C.P., may, but is not required to, waive its original jurisdiction under subsection (b)(1) of Section 51.08, F.C. Article 102.0174, C.C.P., provides that cities may adopt an ordinance creating a juvenile case manager fund and collect a fee of up to \$5 to fund a juvenile case manager.

<sup>2</sup>Art. 45.057, C.C.P. – When a child who is at least 10 years old and younger than age 17 is charged with a fine-only offense, the court may, in addition to a fine, order the following sanctions: 1) Refer the child or child’s parent for services under Sec. 264.302, F.C.; 2) Require child to attend a special program that is in best interest of child, including rehabilitation, counseling, self-esteem and leadership, work and job skills training, job interviewing and work preparation, self-improvement, parenting, manners, violence avoidance, tutoring, sensitivity training, parental responsibility, community service, restitution, advocacy or mentoring program; 3) Require parents to do an act or refrain from an act that will increase the likelihood that the child will comply with court orders, including attending a parenting class or parental responsibility program and attending the child’s school classes or functions; 4) Order the parents of a child required to attend a special program to pay an amount not greater than \$100 for the costs of the program; 5) Require both the child and parent to submit proof of attendance. (If program involves the expenditure of county funds, county must approve child’s attendance.)

### Deferred Disposition

- If the court grants deferred for all Alcoholic Beverage Code offenses except DUI, the court must require the defendant to perform the community service requirements and attend an alcohol awareness course; for DUI, the court must require an alcohol awareness course.
- If defendant charged with the offense of public intoxication is under age 21, and the court grants deferred, the court must order the community service requirements under Sec. 106.071, A.B.C., and attendance at an alcohol awareness course.

<sup>3</sup> A dispositional order under Art. 45.054, C.C.P., is effective for the period specified by the court in the order but may not extend beyond the 180<sup>th</sup> day after the date of the order or beyond the end of the school year in which the order was entered, whichever period is longer.

<sup>4</sup>Art. 45.059, C.C.P., Children Taken into Custody for Violation of Juvenile Curfew or Order: 1) Release person to parent, guardian or custodian; 2) Take person before a justice or municipal court; or 3) Take person to juvenile curfew processing office (similar to nonsecure custody and not held for more than six hours).

<sup>5</sup>Art. 45.0216, C.C.P., provides that proceedings under Art. 45.051, C.C.P. (Deferred Disposition), and proceedings under Art. 45.052, C.C.P. (Teen Court), may be expunged under Art. 45.0216, C.C.P.

<sup>6</sup>Under Sec. 25.093(f), E.C., when a court grants deferred disposition to a parent charged with parent contributing to nonattendance, the court may require the defendant to attend a program that provides instruction designed to assist the parent in identifying problems that contribute to his or her child’s absence from school and strategies for resolving those problems.

\*S.B. 1056 was passed in the 81<sup>st</sup> Legislature dealing with nondisclosure orders in cases involving children. It amended Section 411.081 of the Government Code to require a court convicting a child for a certain misdemeanor offense punishable by fine only to immediately issue an order prohibiting criminal justice agencies from disclosing criminal history record information related to the offense, except to another criminal justice agency, specified noncriminal justice agencies or entities, or a person who is the subject of the order. Subsection 411.081(f-1) mandates that criminal courts immediately issue a nondisclosure order on the conviction of a child for a misdemeanor offense punishable by fine only. It is important to note that this amendment only pertains to the conviction of a “child” (defined by Section 51.02 of the Family Code as a person at least 10 and less than 17 years of age). Thus, it does not apply to any defendant who is 17-20 years old and convicted of a fine-only offense. Nor does it apply to a child who successfully completes a form of probation pursuant to Chapter 45 of the Code of Criminal Procedure (i.e., deferred disposition, completion of teen court, commitment of chemically dependent persons, or a driving safety course). “Criminal justice agencies,” as defined in Section 411.082 of the Government Code, can still access the records despite the nondisclosure order for purposes of enhancements or similar acts. The bill also provides that a child convicted of a fine-only misdemeanor before the effective date may still petition the court for a nondisclosure order, which the court shall issue upon petition.



## THE BIG THREE – REGISTRATION, INSPECTION, AND FINANCIAL RESPONSIBILITY REQUIREMENTS

	Registration	Inspection	Financial Responsibility
<b>General Rule</b>	Transportation Code §502.002—Motor vehicles must be registered.	Transportation Code §548.051—Those motor vehicles registered in this state must be inspected (list of vehicles not required to be inspected found at Transportation Code §548.052).	Transportation Code §601.051--- Cannot operate a motor vehicle unless financial responsibility is established for that vehicle (motor vehicle defined in §601.002(5)).
<b>“All-Terrain Vehicles”</b>	Transportation Code §502.006(a)—Cannot be registered for operation on a public highway EXCEPT state, county, or municipality may register all-terrain vehicle for operation on any public beach or highway to maintain public safety and welfare.	Not required.	Required if all terrain vehicle is designed for use on a highway.  Not required if all-terrain vehicle is not designed for use on a highway (see definition of motor vehicle in Transportation Code §601.002(5)).
<b>“Recreational Off-Highway Vehicles”</b>	Transportation Code §502.006(a)—Cannot be registered for operation on a public highway EXCEPT state, county, or municipality may register recreational off-highway vehicle for operation on any public beach or highway to maintain public safety and welfare.	Not required.	Required if recreational off-highway vehicle is designed for use on a highway.  Not required if recreational off-highway vehicle is not designed for use on a highway (see definition of motor vehicle in Transportation Code §601.002(5)).
<b>“Electric Bicycles”</b>	Transportation Code §502.0075—Not required to be registered.	Not required.	Not required—not a motor vehicle (see Transportation Code §541.201(11)).
<b>“Golf Carts”</b>	Transportation Code §551.402—Cannot be registered for operation on a public highway.	Not required.	No financial responsibility for golf carts operated only as authorized by Transportation Code §551.403.
<b>“Moped”</b>	Transportation Code §502.007—Registration required (treat as a motorcycle).	Required.	Required.
<b>“Motorized Mobility Device”</b>	Transportation Code §502.0074—Not required to be registered.	Not required.	Not required—not a motor vehicle.
<b>“Neighborhood Electric Vehicle”</b>	Transportation Code §551.302—The Texas Department of Motor Vehicles may adopt rules relating to registration. (Has not done so)	Only if required to be registered. (Not at this time)	Not required.
<b>“Electric Personal Assistive Mobility Device”</b>	Transportation Code §502.2862—Not required to be registered.	Not required.	Not required—not a motor vehicle under Transportation Code §601.002 or §541.201(11).
<b>“Motorcycle”</b>	Transportation Code §502.002 and §502.405—Motor vehicle, registration required.	Required.	Required.
<b>“Pocket Bike or Minimotorbike”</b>	Chapter 502, Transportation Code contains no provisions for registration.	Not required.	Not required—not designed for use on highway.



**Definitions:** all sections refer to the Transportation Code

**All-terrain vehicle** (§502.001 / 663.001) means a motor vehicle that is (A) equipped with a saddle for the use of: (i) the rider, and (ii) a passenger, if the motor vehicle is designed by the manufacturer to transport a passenger; (B) designed to propel itself with three or more tires in contact with the ground; (C) designed by the manufacturer for off-highway use by the operator only; and (D) not designed by the manufacturer for farming or lawn care.

**Bicycle** (§541.201) means a device that a person may ride and that is propelled by human power and has two tandem wheels at least one of which is more than 14 inches in diameter.

**Electric personal assistive mobility device** (§551.201) means a two non-tandem wheeled device designed for transporting one person that is: (1) self-balancing; and (2) propelled by an electric propulsion system with an average power of 750 watts or one horsepower.

**Electric Bicycle** (§541.201) means a bicycle that: (A) is designed to be propelled by an electric motor, exclusively or in combination with the application of human power, (B) cannot attain a speed of more than 20 miles per hour without the application of human power, and (C) does not exceed a weight of 100 pounds.

**Golf cart** (§502.001) means a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course.

**Light truck** (§502.001) means a commercial motor vehicle that has a manufacturer's rated carrying capacity of one ton or less.

**Light truck** (§541.201) means a truck, including a pick-up truck, panel delivery truck, or carryall truck, that has a manufacturer's rated carrying capacity of 2,000 pounds or less.

**Moped** (§541.201) means a motor-driven cycle that cannot attain a speed in one mile of more than 30 miles per hour and the engine of which: (A) cannot produce more than two-brake horsepower; and (B) if an internal combustion engine, has a piston displacement of 50 cubic centimeters or less and connects to a power drive system that does not require the operator to shift gears.

**Motorcycle** (§502.001) means a motor vehicle designed to propel itself with not more than three wheels in contact with the ground. The term does not include a tractor.

**Motorcycle** (§521.001) includes an enclosed three-wheeled passenger vehicle that (A) is designed to operate with three wheels in contact with the ground; (B) has a minimum unladen weight of 900 pounds; (C) has a single, completely enclosed, occupant compartment; (D) at a minimum, is equipped with a steering wheel used to maneuver the vehicle; a propulsion unit; and seats, a seat belt for each vehicle occupant, a windshield and one or more windshield wipers, and a vehicle structure, that are certified by the manufacturer to meet federal requirements; and (E) is produced by its manufacturer in a minimum quantity of 300 in any calendar year.

**Motorcycle** (§541.201) means a motor vehicle, other than a tractor, that is equipped with a rider's saddle and designed to have when propelled not more than three wheels on the ground.

**Motorcycle** (§661.001) means a motor vehicle designed to propel itself with not more than three wheels in contact with the ground, and having a saddle for the use of the rider. The term does not include a tractor or a three-wheeled vehicle equipped with a cab or occupant compartment, seat, and seat belt and designed to contain the operator in the cab or occupant compartment.

**Motor-driven cycle** (§541.201) means a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less. The term does not include an electric bicycle.

**Motor assisted scooter** (§551.301 / 551.351) means a self-propelled device with: at least two wheels in contact with the ground during operation; a braking system capable of stopping the device under typical operating conditions; a gas or electric motor not exceeding 40 cubic centimeters; a deck designed to allow a person to stand or sit while operating the device; and the ability to be propelled by human power alone. The term does not include a pocket bike or minimotorbike.

**Motor vehicle** (§502.001) means a vehicle that is self-propelled.

**Motor vehicle** (§541.201) means a self-propelled vehicle or a vehicle that is propelled by electric power from overhead trolley wires. The term does not include an electric bicycle or an electric personal assistive mobility device, as defined by Section 551.201 TRANSP.

**Motor vehicle** (§601.002) means a self-propelled vehicle designed for use on a highway, a trailer or semitrailer designed for use with a self-propelled vehicle, or a vehicle propelled by electric power from overhead wires and not operated on rails. The term does not include: a traction engine, a road roller or grader, a tractor crane, a power shovel, a well driller, an implement of husbandry, or an electric personal assistive mobility device, as defined by Section 551.201.

**Motorized mobility device** (§542.009) means a device designed for transportation of persons with physical disabilities that: (1) has three or more wheels; (2) is propelled by a battery-powered motor; (3) has not more than one forward gear; and (4) is not capable of speeds exceeding eight miles per hour. For the purposes of the Rules of the Road, a person operating a nonmotorized wheelchair or motorized mobility device is considered to be a pedestrian.

**Neighborhood electric vehicle** (§551.301) means a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Vehicle Safety Standard 500 (49 C.F.R. § 571.500).

**Passenger car** (§502.001) means a motor vehicle, other than a motorcycle, golf cart, light truck, or bus, designed or used primarily for the transportation of persons.

**Passenger car** (§541.201) means a motor vehicle, other than a motorcycle, used to transport persons and designed to accommodate 10 or fewer passengers, including the operator.

**Passenger vehicle** (§545.412) means a passenger car, light truck, sport utility vehicle, passenger van designed to transport 15 or fewer passengers, including the driver, truck, or truck tractor.

**Pocket bike or minimotorbike** (§551.301) means a self-propelled vehicle that is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters, is designed to propel itself with not more than two wheels in contact with the ground, has a seat or saddle for the use of the operator, is not designed for use on a highway and is ineligible for a certificate of title under Chapter 501. The term does not include a moped or motorcycle; an electric bicycle or motor-driven cycle, as defined by Section 541.201; a motorized mobility device, as defined by Section 542.009; an electric personal assistive mobility device, as defined by Section 551.201; or a neighborhood electric vehicle.

**Recreational off-highway vehicle** (§502.001) means a motor vehicle that is (A) equipped with a non-straddle seat for the use of (i) the rider, and (ii) a passenger, if the vehicle is designed by the manufacturer to transport a passenger; (B) designed to propel itself with four or more tires in contact with the ground; (C) designed by the manufacturer for off-highway use by the operator only; and (D) not designed by the manufacturer primarily for farming or lawn care.

**Truck** (§541.201) means a motor vehicle designed, used, or maintained primarily to transport property.

**Truck tractor** (§541.201) means a motor vehicle designed and used primarily to draw another vehicle but not constructed to carry a load other than a part of the weight of the other vehicle and its load.

**Vehicle** (§502.001) means a device in or by which a person or property is or may be transported or drawn on a public highway, other than a device used exclusively on stationary rails or tracks.

**Vehicle** (§541.201) means a device that can be used to transport or draw persons or property on a highway. The term does not include: (A) a device exclusively used on stationary rails or tracks; or (B) manufactured housing as that term is defined by Chapter 1201, Occupations Code.

## SAFETY BELT LAWS

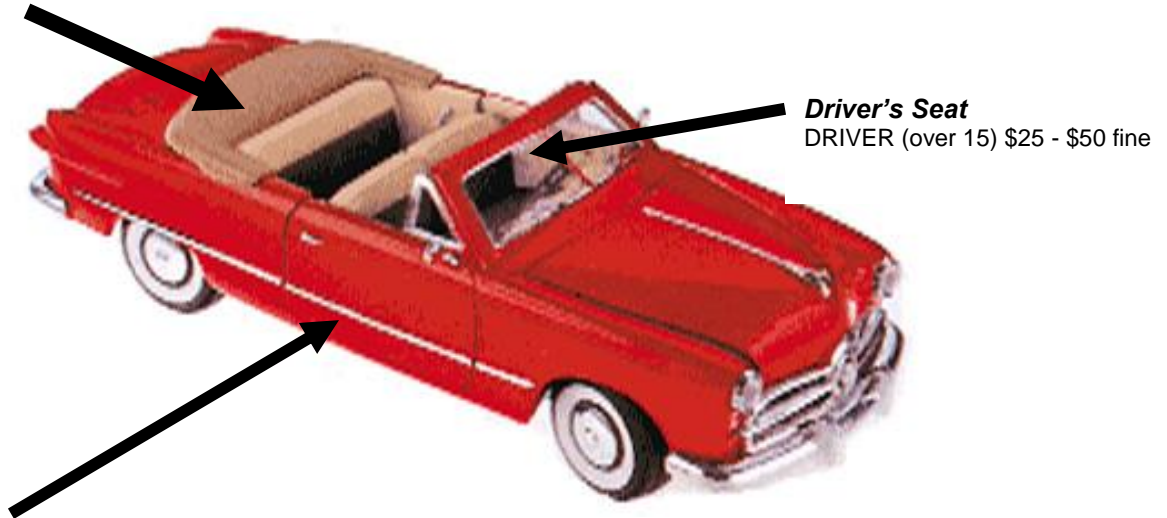
### **Back Seat**

ADULTS (17 and over) \$25 - \$50 fine to offender

CHILDREN (15-16) \$25 - \$50 fine to passenger & \$100 - \$200 fine to driver

CHILDREN (8-15, and those under 8 but taller than 4'9") \$100 - \$200 fine to driver

CHILDREN (under age 8, unless 4'9" tall) not to exceed \$25 for first offense, not to exceed \$250 for subsequent offense



### **Driver's Seat**

DRIVER (over 15) \$25 - \$50 fine

### **Front Seat**

ADULTS (17 and over) \$25 - \$50 to offender

CHILDREN (15-16) \$25 - \$50 fine to passenger & \$100 - \$200 fine to driver

CHILDREN (8-15, and those under 8 but taller than 4'9") \$100 - \$200 fine to driver

CHILDREN (under age 8, unless 4'9" tall) not to exceed \$25 for first offense, not to exceed \$250 for subsequent offense

### **Safety Belt Laws Effective September 1, 2009**

#### **Child in safety seats**

A child *under 8 years old, unless the child is taller than four feet nine inches (4'9")* must be restrained in a child passenger safety seat in accordance with the manufacturer's instructions.

#### **Child in safety belts**

A child *age 8 and younger than age 17* must be restrained in a **safety belt** regardless of position in the vehicle. A child under 8 years old who is not required to be in a safety seat must be in a safety belt.

#### **Adults in safety belts**

A person must be restrained in a safety belt regardless of position in the vehicle.

#### **Pick-up trucks and trailers**

A child *under age 18* cannot ride in the open bed of a pick-up truck or trailer on a public road.



## Passenger Safety Seat Systems and Safety Belts

Effective on offenses committed on or after September 1, 2009\*

Age	Person Responsible	Type of Restraint	Location in vehicle	Cited for	Penalty	Eligible for Special DSC (emphasizes seatbelts & child safety seat systems)	Eligible for DSC	Eligible for Deferred Disposition
Child under age 8, unless over 4'9" tall**	driver	child passenger safety seat system	front and back seats	child not in passenger safety seat system	maximum \$25 for first offense maximum \$250 for subsequent offense	yes	no	yes
Child at least age 8 and under age 17***	driver	safety belt	front and back seats	child not in safety belt	minimum \$100 maximum \$200 if in passenger vehicle minimum \$1 maximum \$200 if in passenger van	yes	no	yes
At least age 15	person	safety belt	front and back seats	passenger not wearing safety belt	minimum \$25 maximum \$50	no	no	yes
At least age 15	driver	safety belt	front and back seats	driver not wearing safety belt	minimum \$25 maximum \$50	no	yes	yes

**\*For an offense under Section 545.412 (requiring a child under 8, unless 4'9" tall, to be secured in a child passenger safety seat system) that would not have been an offense under that section before amended by S.B. 61 (children under 5 and less than 36" in height required to be secured in safety seat system), the offense may not be prosecuted until June 1, 2010, if the child who is the subject of the offense is secured by a safety belt. Before June 1, 2010, law enforcement officers may not arrest or issue citations to drivers in these instances, but may instead issue a warning to comply with the increased age limits.**

\*\*Until the amended Section 545.412 offense (child under 8, unless 4'9" tall) can be prosecuted, "booster seat-aged children" (those at least 5 but less than 8) must be secured in a safety belt (see Section 545.413) if not in a child passenger safety seat system.

\*\*\*Children under age 8 that are taller than 4'9" must wear a safety belt.

### Definitions

- Child passenger safety seat system means an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the National Highway Traffic Safety Administration.
- Passenger vehicle means a passenger car, light truck, sport utility vehicle, passenger van designed to transport 15 or fewer passengers, including the driver, truck, or truck tractor. ("Passenger car" means a motor vehicle, other than a motorcycle, used to transport persons and designed to accommodate 10 or fewer passengers, including the operator. "Light truck" means a truck, including a pickup truck, panel delivery truck, or carryall truck, that has a manufacturer's carrying capacity of 2,000 pounds or less. Since "sport utility vehicle" is not specifically defined, look to the definition of passenger vehicle. "Truck" means a motor vehicle designed, used, or maintained primarily to transport property. "Truck tractor" means a motor vehicle designed and used primarily to draw another vehicle but not constructed to carry a load other than a part of the weight of the other vehicle and its load. "Motor vehicle" means a self-propelled vehicle or a vehicle that is propelled by electric power from overhead trolley wires. Section 541.201, T.C.)
- Safety belt means a lap belt and any shoulder straps included as original equipment on or added to a vehicle.
- Secured in connection with use of a safety belt means using the lap belt and any shoulder straps according to the manufacturer of the vehicle, if the safety belt is original equipment; or the manufacturer of the safety belt, if the safety belt has been added to the vehicle.

### Section 545.412, T.C., does not apply to:

- A person operating a vehicle transporting passengers for hire excluding third-party transport service providers when transporting clients pursuant to a contract to provide nonemergency Medicaid transportation; or
- A person transporting a child in a vehicle in which all seating positions equipped with child passenger safety seat systems or safety belts are occupied.

### Defenses to prosecution under Section 545.413, T.C.:

- The person possesses a written statement from a licensed physician stating that for a medical reason the person should not wear a safety belt;
- The person presents to the court, not later than the 10<sup>th</sup> day after the date of the offense, a statement from a licensed physician stating that for a medical reason the person should not wear a safety belt;
- The person is employed by the United States Postal Service and performs a duty for that agency that requires the operator to service postal boxes from a vehicle or that requires frequent entry into and exit from a vehicle;
- The person is engaged in the actual delivery of newspapers from a vehicle or is performing newspaper delivery duties that require frequent entry into and exit from a vehicle;
- The person is employed by a public or private utility company and is engaged in the reading of meters or performing a similar duty for that company requiring the operator to frequently enter into and exit from a vehicle;
- The person is operating a commercial vehicle registered as a farm vehicle under the provisions of Section 502.163, T.C., that does not have a gross weight, registered weight, or gross weight rating of 48,000 pounds or more (Section 502.163, T.C., provides for a fee for commercial motor vehicle used primarily for farm purposes); or
- The person is the operator of or a passenger in a vehicle used exclusively to transport solid waste and performing duties that require frequent entry into and exit from the vehicle.

### Amount Due the State

- Fifty percent of the fines for convictions for not securing a child in a passenger safety seat system or a safety belt (\$25 maximum fine or \$250 maximum fine if second or subsequent offense) must be remitted to the State Comptroller at the end of the city's fiscal year.
- Court costs must be remitted quarterly.
- The \$0.15 (15 cent) court cost on convictions under Section 545.412 must be submitted monthly, and is used by TxDOT to purchase child passenger safety seat systems for low-income families.

