

## Driving Across the Border: Driver's Licenses and Financial Responsibility Issued in Mexico

by Jessica Marsh, Legislative Law Clerk, TMCEC

Because of its shared border with Mexico, Texas has a relatively high number of drivers that possess driver's licenses and financial responsibility from Mexico. Peace officers and courts in Texas often encounter these individuals during routine traffic stops, and these stops present questions as to whether or not the Mexico driver's licenses and financial responsibility are valid in Texas.

### The Validity of Driver's Licenses Issued by Mexico

The *United Nations Road Traffic Convention* and the *Convention on the Regulation of Inter-American Automotive Traffic*, both of which are federal treaties, provide that a person with a valid driver's license that was issued by Mexico is legally able to drive in the State of Texas without first obtaining a Texas

driver's license. This privilege extends for a period of up to one year after the date of the person's entry into the United States.<sup>1</sup> State law, namely provisions in the Transportation and Administrative Codes, also provides for an individual with a driver's license issued by another state or nation to be granted driving privileges in Texas.<sup>2</sup>

*Driving continued on page 4*

## Domestic Violence: Firearm Admonishments in Misdemeanor Convictions

By Andria Brannon, Legislative Law Clerk, TMCEC

Family violence continues to be a persistent problem and an all-too-often lethal crime. Texas magistrates and municipal judges who serve on the front lines of the judicial process know this from firsthand experience. According to a recent Texas Department of Public Safety report, there were 186,868 reported incidents of family violence in 2006.<sup>1</sup> These incidents involved more than 200,000 victims and more than 197,000 offenders.<sup>2</sup>

By sheer numbers, this would be akin to all of the residents of Lubbock assaulting all of the residents of Irving in the space of one year.<sup>3</sup>

Statistics show that while family

violence offenses typically fall into several general categories including homicides, kidnappings and/or abductions, robberies, and forcible sex offenses, an overwhelming number (96.7%) are assaults.<sup>4</sup>

Municipal courts are compelled to address the aftermath of highly volatile and emotionally charged family assault incidents on a regular basis. In the most recent session, the Texas Legislature made several changes to existing law and enacted new provisions related to family violence. A significant addition to the duties of municipal judges occurred

*Domestic continued on page 10*

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# AROUND THE STATE

## Margaret Will Be Missed!

Margaret Robbins is retiring as Program Director for the Texas Municipal Courts Education Center on August 31, 2007, after 28 years of service in Texas municipal courts as a judge, clerk, or as a judicial educator working to improve the administration of justice.

Margaret graduated from Anaconda High School in Anaconda, Montana in 1965; and studied music and elementary education at Western Montana College in Dillon, Montana and at Harding University in Searcy, Arkansas, where she married her college sweetheart, Jesse Ennis Robbins Jr. on September 7, 1968.

In 1978, Margaret Robbins began her career in public service with the City of Cedar Park, a city she still calls home, first as an assistant tax assessor/collector, and subsequently as a police dispatcher and police secretary. In 1979, she became the city's court clerk, and was appointed municipal judge in 1982.

In 1986, Judge Robbins was hired by the organization, then known as the Texas Municipal Courts Training Center, to coordinate its court clerks program. During the last 22 years, through her dedicated work as a judicial educator and her love for local trial courts, she has earned a statewide reputation for her wealth of knowledge as it relates to the administration of municipal courts. "Her mind amazes me – she can recall the proper citations and provisions of obscure statutes and detailed court costs with perfect recall," commented Leisa Hardin, Court Administrator for Crowley. To provide some comic relief to Margaret's students who sometimes felt overwhelmed by the amount of information needed for a clerk to feel competent, the TMCEC staff even created a stress ball imprinted with "I survived Margaret!"

During her tenure at the Texas Municipal Courts Education Center, Margaret Robbins has served as an author and editor of numerous publications and was an essential leader in the creation and development of the Municipal Court Clerks Certification Program. "Margaret Robbins has played an influential role during her career in increasing the professionalism of tens of thousands of judges and court support personnel who, in turn, dedicate themselves to serving the public's interest," said Robin A. Ramsay, President of the Texas Municipal Courts Association and Education Center.

Margaret plans to spend time with her family: her son Jason Robbins (a Trooper with the Texas Department of Public Safety); Rachel, her daughter-in-law, and her four grandchildren, Jacob, Emily, Joseph, and Jack. Margaret says, "Teaching piano and art to my grandchildren will be my highest priority—after chocolate, of course." Hope Lochridge, Executive Director of TMCEC, hopes that Margaret will save some time to work with TMCEC as a consultant. "Margaret has earned the admiration and respect of her colleagues. We will miss her too much. I hope that she will stay involved."

On May 25, 2007 the House of Representatives recognized Margaret's years of service to Texas municipal courts. House Resolution 2475 was introduced by Representative Burt Solomons (District 65). A series of retirement celebrations were also planned for Margaret at the TMCEC Legislative Updates in August, as well as at the Annual Meeting of the Texas Municipal Courts Association in the Dallas area (September 13-15, 2007). 🗳️



# FROM THE GENERAL COUNSEL

Ryan Kellus Turner

## Coming to Terms with the 80th Regular Legislature

It seems like this is the time of year where I start figuring out either how little I know or how much I still have to learn.

For instance, I just learned that in most parts of the world “fall” is not necessarily either the proper or synonymous name of the season that follows summer.

The proper name in most English speaking countries is “autumn.” Fall is considered to be a North American English derivative of autumn and is a reference to the “fall of the leaves” that marks the changing of the season. While the terms are used interchangeably in the United States, “fall” has fallen by the wayside in most English speaking parts of the world.

Though autumn does not begin until September 23, 2007, the season of change has already begun in courts throughout Texas as we get closer to September 1, 2007, the day that most new legislation goes into effect.

### Not Everything Changed

TMCEC just “brought into port” its traveling road show known as *Legislative Update 2007*. In three days and in three cities, the Legislative Update faculty spoke to nearly 900 participants. Invariably participants come to the Update wanting to know what has or what is going to change. With such changes come new questions. That’s understandable.

The funny thing is that every two years as summer comes to a close, TMCEC receives a disproportionate number of questions about things that *were not changed* by the Legislature. It’s for this reason that I briefly want to discuss two of the most frequently asked

questions that fall into this category.

*Question #1 – “Did the Legislature cut commercial drivers any slack when it comes to deferred disposition or driving safety courses?”*

The short answer to this in a single word is “No.”

On January 24, 2007, Representative Harold Dutton filed HB 801. This bill would have allowed holders of commercial driver’s licenses to be eligible for either deferred disposition or a driving safety course as long as the CDL holder was not operating a commercial motor vehicle at the time of the alleged offense. On February 7, 2007, HB 801 was introduced and referred to the House Committee on Law Enforcement where it remained without a hearing the rest of the Session.

Without belaboring that which we have rehashed many times before, “zero tolerance” for holders of commercial driver’s licenses accused of traffic offenses is not something unique to Texas law; it is mandated by federal law. Texas may have been one of the last states to comply with the federal mandate, but in light of the large sum of highway funds at risk, it is a safe bet that Texas will not change provisions in Chapter 45 of the Code of Criminal Procedure to allow CDL holders to conceal, or “mask,” such violations.

For the same reason, there were no attempts this Session to enact a “pre-trial diversion” statute. If you recall during the 79<sup>th</sup> Regular Legislature, such a bill was filed. However, to the surprise of few, it suffered the same fate as HB 801.

I believe that since its enactment in 2003, most judges, prosecutors, and

court personnel have come to understand and even accept the prohibition of “masking” such violations. I am also aware that many of you comply with the law but personally hope that both the Feds and the State will have a change of heart when it comes to this public policy. For those of like mind, there is good news.

Hope springs eternal... even in autumn.

*Question #2 – “Did the Legislature close the loop-hole that allows CDL holders to “leap frog” appeal to county court and receive deferred adjudication?”*

Once again, the answer is “No.”

To some readers this apparent oversight is astonishing. Allow me to explain.

Under federal regulations contained in 49 CFR 384, a state is prohibited from masking, deferring imposition of judgment, or allowing an individual to enter into a diversion program that would prevent the conviction of a person holding a CDL for any violation, in any type of motor vehicle, of a state or local traffic control law (except a parking violation) from appearing on the driver’s record.

A federal determination of non-compliance results in a state losing its ability to issue or renew CDLs for its residents. Unfortunately, that is just the tip of the iceberg. The Federal Motor Carrier Safety Improvement Act of 1999 required all states to comply with requirements of that act by September 30, 2005, or face penalties to apportionments for the Surface Transportation Program (STP), the National Highway System (NHS) program, and

*Legislature continued on page 16*

The Texas Transportation Code states that a nonresident who is older than 18 years of age and holds a Class A or B driver's license from his or her state or country of residence is not required to hold a similar license issued by Texas in order to lawfully drive in Texas. This provision applies to nonresidents whose licenses are issued by a state or country that issues a Class A or B driver's license that is similar to a Texas Class A or B driver's license. It is also a requirement that the nonresident's state or country of residence recognize driver's licenses issued by Texas.<sup>3</sup> This codifies provisions of the *United Nations Road Traffic Convention* and the *Convention on Inter-American Automotive Traffic*.

In deciding whether a person is legally driving with a Mexican driver's license there are several determinations for municipal courts to make. First, the court must determine the person's age. If the person is under the age of 18, he or she may not drive in Texas using a driver's license issued by Mexico. Second, the court must determine how long the individual has been driving in Texas with the Mexican driver's license. A person may only use his or her Mexican driver's license in Texas for a period of one year; so if the person has been driving here for more than one year, he or she will need to obtain a Texas driver's license, return to Mexico, and re-enter Texas to begin a new one year period. Third, the court must determine whether the person is visiting Texas from Mexico or has relocated here permanently. Both multilateral treaties deal with the concept of international *travel* rather than immigration and the provisions appear to extend only to people traveling in a foreign nation or visiting a foreign nation rather than people who have moved or emigrated.

However, it may be difficult for courts to make these determinations regard-

ing how long an individual has been driving in Texas with a Mexican driver's license and the length of the person's stay. These questions touch upon immigration and citizenship status issues unlikely to be freely discussed with the court.

### **The Validity of Financial Responsibility Issued by a Mexican Company**

The Texas Transportation Code provides that all vehicles driven in the State of Texas are required to maintain proof of financial responsibility.<sup>4</sup> The five acceptable types of financial responsibility are: motor vehicle liability insurance; a surety bond; a deposit of cash or securities with the comptroller; a deposit of cash or a cashier's check with a county judge; and self-insurance by a person with more than 25 vehicles registered in his or her name.<sup>5</sup> Financial responsibility issued by a Mexican company can be valid in Texas if it meets the requirements under the Transportation Code.

The Transportation Code provides for insurance issued to a nonresident to be accepted in Texas if the nonresident files a certificate from an insurance company authorized to do business in the state or country in which the vehicle is registered with the Texas Department of Public Safety (DPS). The statement must certify that there is a liability insurance policy in effect for the nonresident.<sup>6</sup> If the insurer is not authorized to do business in Texas the company must also authorize DPS to accept service of notice or process on its behalf in any action arising out of a motor vehicle accident that occurs in Texas; and agree in writing that its policy will be treated as conforming to Texas law.<sup>7</sup> It is also a requirement that the nonresident's vehicle not be registered in Texas.<sup>8</sup>

There will be three findings to make in determining if financial responsibility in the form of an insurance policy

issued by a Mexican company is valid in Texas. First, the court must determine what type of financial responsibility is present: a surety bond; a deposit of cash or securities with the comptroller; a deposit of cash or a cashier's check with a county judge; or self-insurance by a person with more than 25 vehicles registered in his or her name. Second, if it is a motor vehicle liability insurance policy, the court will have to determine where the car is registered, because the Transportation Code does not allow a car registered in Texas to be covered by an insurance policy issued by a Mexican company. Third, the court must determine if the insurance policy meets the standards set forth in the Transportation Code. These may be difficult points to ascertain due to the possible expense of researching insurance policies issued by Mexican companies to determine if the policy conforms to the requirements under the Transportation Code.

### **International Driving Permits and International Driver's Licenses**

A related question is whether or not an international driving permit (IDP) or international driver's license (IDL) is required for a foreign citizen to drive in Texas and whether an IDP or IDL alone is enough to allow a foreign citizen to drive in Texas.


An IDP is a booklet with a literal translation of the text from the IDP holder's home country driver's license into 11 languages with a passport-style photo and other vital statistics for identification purposes.<sup>9</sup> In the United States only two agencies are authorized to issue IDPs: the American Automobile Association and the American Automobile Touring Association.<sup>10</sup> In other countries, the IDP can be issued by the agency responsible for issuing driver's licenses or by another agency designated for that purpose.<sup>11</sup> It is very important to note that, legally, there is no such thing as an international driver's license.

An IDP is valid for one year from the date of issuance and must be used in conjunction with a valid driver's license from the holder's country of residence. In order to legally drive with an IDP, a person must also be carrying a driver's license.<sup>12</sup> However, because Mexican driver's licenses themselves are valid in the United States, a driver from Mexico is not required to carry an IDP to drive in Texas.

The U.S. State Department is reporting that many websites are selling fake IDPs to unsuspecting travelers. These fake IDPs often are hard, plastic cards similar in size and shape to a regular driver's license rather than the booklet format of a valid IDP. These fake IDPs often have "expiration" dates that extend beyond the one year limitation set by the *United Nations Road Traffic Convention* and are being sold on the internet at prices substantially greater than the \$15 USD cost for a real IDP.<sup>13</sup> Also, the fake IDPs often use the incorrect terminology of

"International Driver's License." Be on the lookout for these IDPs in your courts, as they have been recently spotted by at least one municipal court.

**Conclusion**

While both driver's licenses and financial responsibility issued in Mexico can be valid in Texas it is dependent upon factors such as: the date the license holder entered the country, whether the license holder has immigrated to Texas or is just visiting, and the nature of the company issuing the financial responsibility. The determinations of whether or not an individual is lawfully driving in Texas while holding a Mexican driver's license or financial responsibility raise difficult questions that can bring up several sensitive subjects relating to immigration, residency, and citizenship. While it may be difficult, municipal courts will have to make these determinations on a regular basis. 

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<sup>1</sup> 37 Tex.Admin.Code. § 15.91(d) (1) (2007). *United Nations Convention on Road Traffic* Chapter 1 art. 1.2 (Sept. 19, 1949), 1952 U.S.T. Lexis 558 at \*3; *See generally Convention on the Regulation of Inter-American Automotive Traffic* (Dec. 15, 1943), T.I.A.S. No. 1567.  
<sup>2</sup> Tex. Transp. Code § 521.030; 37 T.A.C. § 15.91(c) (2007).  
<sup>3</sup> Tex. Transp. Code § 521.030.  
<sup>4</sup> Tex. Transp. Code § 601.051.  
<sup>5</sup> *Id.*; Tex. Transp. Code §§ 601.121-24.  
<sup>6</sup> Tex. Transp. Code § 601.084 (a).  
<sup>7</sup> Tex. Transp. Code § 601.084(c).  
<sup>8</sup> Tex. Transp. Code § 601.168.  
<sup>9</sup> 1952 U.S.T. Lexis 558 at \*89.  
<sup>10</sup> *See* [http://travel.state.gov/travel/tips/safety/safety\\_1179.html](http://travel.state.gov/travel/tips/safety/safety_1179.html).  
<sup>11</sup> 1952 U.S.T. Lexis 558 at \*17.  
<sup>12</sup> *See* [http://travel.state.gov/travel/tips/safety/safety\\_1179.html](http://travel.state.gov/travel/tips/safety/safety_1179.html); 1952 U.S.T. Lexis 558 at \*17.  
<sup>13</sup> *See* [http://travel.state.gov/travel/tips/safety/safety\\_1179.html](http://travel.state.gov/travel/tips/safety/safety_1179.html).



**Exhibit A: A Valid International Driving Permit**



**Exhibit B: Examples of Fake Permits**

Compare the valid International Driving Permit on the left, issued by AAA, to the examples of fake International Driving Permits on the right. Note that a valid IDP closely resembles a passport, and is in booklet form.

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# Hate Crime Conundrum: Are They Going Unprosecuted?

By Lindsey Lautin, Legislative Law Clerk, TMCEC

The hate crime is among the most unique species in the taxonomy of the legal world. While *mens rea* is a common consideration in the prosecution of almost all crimes, only the hate crime requires a fact-finder to go further and try to determine the specific *motivation* of the crime. Certainly, some observers cringe at the idea of a court or jury attempting to determine an individual's motivations; others maintain that a modern and evolved society must recognize that some motivations are so vile that they deserve special punishment.

Section 12.47 of the Texas Penal Code and Article 42.014 of the Code of Criminal Procedure codify the latter school of thought, utilizing an enhancement statute to increase punishment for hate crimes.<sup>1</sup> If a judge enters an affirmative finding that the “the defendant intentionally selected the person against whom the offense was committed or intentionally selected property damaged or affected as a result of the offense because of the defendant’s bias or prejudice...,” “the punishment for the offense is increased to the punishment prescribed for the next highest category of offense.”<sup>2</sup>

There is one point about hate crime prosecution that is of particular interest to the municipal court system: the *minimum* severity of conviction for a successful prosecution of a hate crime is a Class B misdemeanor, punishable with incarceration. For instance, an underlying Class C misdemeanor, such as criminal mischief (Texas Penal Code 28.03), is enhanced to a Class B misdemeanor if successfully prosecuted as a hate crime. Since municipal courts possess jurisdiction

over offenses that are Class C misdemeanors, an individual cannot receive this harsher penalty for a hate crime in a municipal court.

The consequence—no doubt an unintended one—strips municipal courts of jurisdiction of any crime that is prosecuted using the hate crimes enhancement statute. As a result, if the prosecution desires to take advantage of the faster docket offered by the municipal courts, it must abstain from proceeding with a hate crime prosecution. The resulting prosecutorial decision whether to invoke the enhancement statute is one that can only be made with an eye toward the original intent of hate crime legislation.

The purpose served by hate crime legislation is a multifaceted creature. However, three main views deserve special attention.

The first purpose relates to the function of the law to express and embody certain social values. In the case of hate crimes, society—through its creation of the state—wishes to express that certain motivations are utterly unacceptable to society, and thus the motivations deserve special punishment. The particular motivations covered by the hate crimes legislation are those that revolve around an aspect of the victim’s biography, be it his or her race, gender, religion, ethnicity, age, or sexual orientation.

A second view of hate crime legislation sees special prosecution as a means of deterrence. It is a fundamental principle of modern penal law that a sufficiently stiff penalty will deter a significant number of potential malfeasances. All too often, however, such

deterrence is insufficient to overcome the motivation granted by the potential for personal gain or something as simple as a grudge. However, one might note that, just as hate crime prosecution is a unique creature, the hate crime *itself* is a unique creature: to qualify as a hate crime, the crime must have been committed against an individual as a result of antipathy for a particular group. The statistics suggest that there might be some validity to this notion of deterrence. In 2005, there were 264 “hate crime incidents,” down 7% from 2004.<sup>3</sup> If the numbers continue to decrease, then it would seem that there is a strong motivation for the prosecution to seek the higher penalties offered by the hate crimes enhancement statute.

In the third and final analysis of the purpose of hate crime legislation, such laws can be viewed as providing the victim with a greater sense of justice.

The question of the prosecution of hate crimes in municipal court must be analyzed with respect to these three purposes. The prosecution must balance the issue of whether the victim is best served by a swifter punishment in municipal court or whether the victim is best served by a potentially heavier punishment due to the enhancement statute. As with many issues in the law, this is a question that must be determined on a case-by-case basis. 🗡️

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*Hate continued on page 21*



# OmniBase and Failure to Appear

By Margaret Robbins, Program Director, TMCEC

The 74th Legislature amended the Texas Transportation Code adding Chapter 706 to authorize the Texas Department of Public Safety (DPS) to contract on or after September 1, 1995 with political subdivisions to deny the renewal of an individual's driver license for failure to appear on certain traffic violations. The 76th Legislature amended Chapter 706 to include all offenses, except for the offense of failure to appear and the offense of violate promise to appear. The 77th Legislature amended Chapter 706 to include offenses for which an individual fails to pay or satisfy the judgment of a court order in a manner ordered by the court. The 78th Legislature amended Chapter 706 again to include any offense that a court has jurisdiction of under Chapter 4, Code of Criminal Procedure. This amendment became effective June 18, 2003. Hence, Chapter 706 applies to all offenses within the municipal, justice of the peace, or county court's jurisdiction, including both traffic and non-traffic violations.

The program under Chapter 706 is called the DPS Failure to Appear Program (FTA Program). This program is ostensibly only for adult defendants. Defendants who are under the age of 17 are reported to DPS for driver's license suspension or denial of issuance for failure to appear, failure to pay, or violation of a court order by using DPS form DIC-81. Courts should keep in mind that defendants under the age of 17 who fail to pay or violate a court order must be found in contempt before being reported to DPS. The order to suspend or deny

issuance of the driver's license is a sanction of contempt. If, however, a juvenile defendant turns 17 before the court conducts the contempt hearing under Article 45.050, the court may report the defendant under the DPS Failure to Appear Program.

The purpose of the FTA Program is to assist local governmental entities to enforce laws in their communities. DPS estimates that as few as 25 percent of warrants issued are brought to final disposition, which probably means that over one and three quarter million offenders are ultimately not brought to justice. This program was developed to help local governments enforce their warrants by creating a database of offenders who fail to appear in court or dispose of their cases in some manner. Currently, DPS estimates that between 95 and 98 percent of the offenders submitted in the program will comply. (Note: Chapter 706 does not require courts to issue warrants before submitting a defendant in the program.)

To implement the FTA Program, the municipality must contract with DPS. There is no cost to the municipality, but the city must have a computer and hardware that meets certain requirements, including access to the internet. The defendant must appear before the originating court for final disposition of his or her case and pay a \$30 fee to the court for each offense submitted before the court may notify DPS to release his or her driver's license for renewal.

A contract between DPS and a municipality renews automatically on a

yearly basis, absent notification of non-renewal. Either party may terminate the contract, however, by notifying the other in writing thirty days prior to the expiration date of intentions not to renew the contract. After termination, the municipality has a continuing obligation to report final dispositions and collect fees for all defendants still in the system at the time of termination.

Cities that have already contracted with DPS like the FTA Program because of its limits to liability. Section 706.011 provides that the State or cities may not be sued or held liable based on an act or omission under the program, including the denial of renewal of a driver's license. The DPS website shows that 641 cities and 218 counties are participating in the program. It also shows that 5.4 million offenses have been entered into the database.

Section 706.008 provides authority for DPS to contract with a private vendor to implement Chapter 706, which DPS did—OmniBase Services of Texas. Municipalities, however, contract with DPS to participate in the FTA program. OmniBase, however, provides the necessary protocol for using the software to the political subdivisions at no cost. The data collected by OmniBase from the courts is considered confidential and can only be used for the purposes established in the contract. It is OmniBase's responsibility to maintain its database accurately. OmniBase maintains records on each defendant after compliance for five years and indefinitely on those who do not comply.

Besides the rules provided in Chapter 706 of the Transportation Code for the FTA program, DPS has created administrative rules for the program in the Texas Administrative Code in Title 37, Part 1, Chapter 15. These rules should be read in conjunction with Chapter 706.

After a municipality contracts with DPS, regardless of how a charge is initiated, whether by citation or by sworn complaint, before the court can submit a defendant into the DPS Failure to Appear system, the court must have a defendant's driver's license number. For traffic offenses filed by citation, the officer must have provided the defendant with a written warning telling the person that if he or she fails to appear as provided by law for the prosecution of the offense or if the person fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner ordered by the court, the person may be denied renewal of the person's driver's license. This warning can be on the citation or on a handout given to the defendant by the peace officer.

The FTA Program does not require a warrant to be issued in response to a person's failure to appear. Whether a political subdivision issues a warrant or not is not relevant to an offense being accepted into the FTA system. Also, there is no requirement to file the offense of violation of promise to appear or the offense of failure to appear before submitting a defendant in the FTA Program. The court may just submit the original charge on which the defendant failed to appear.

In order to have a violator entered into the FTA program, the court must electronically send a report with the following information:

- Name of the political subdivision submitting the report;
- Defendant's name and date of birth;

- Defendant's Texas driver's license number (Texas identification card number is unacceptable);
- Defendant's address;
- Applicable offense(s) and date(s);
- Brief description of the alleged violation;
- Fine amount (includes costs and fees);
- Docket number and jurisdiction;
- Statement that the person failed to appear or failed to pay or satisfy a judgment; and
- Date that the person failed to appear or failed to pay or satisfy a judgment.

The \$30.00 administrative fee should be included in the reported court fees in order for OmniBase to provide accurate information to the violator. If the court is reporting a defendant who has defaulted in payment of fine, the court may want to wait to report the defendant until the 31<sup>st</sup> day after the judgment to also include the \$25 time payment fee in the report. It is the responsibility of the court to provide accurate, complete, and non-duplicate information.

After OmniBase receives a submission from a court, it mails a letter to the defendant on modified DPS letterhead. The letter explains that the defendant is being denied driver's license renewal for failing to appear in court. The letter provides the name of the court, the offense date, docket number, outstanding offense(s) description, fines, costs, and fee amounts, the court's address, and telephone number. Also, OmniBase must include a toll-free number to answer and resolve questions from defendants.

When a defendant contacts a court after being submitted to the FTA Program, the defendant still has the right to a jury trial. The court may request the defendant post a bond with the court to guarantee his or her

appearance at trial. If the defendant wants to renew his or her driver's license, the defendant must also pay the court a \$30 fee.

In courts of non-record, defendants can plead guilty or no contest and appeal the judgment to county court. If the defendant wants to renew his or her driver's license, he or she must also pay the \$30 fee. If the defendant does not want to renew his or her driver's license, then the defendant can post the appeal bond with the court and appeal without paying the \$30 fee.

If a charge is dismissed, the defendant must pay the \$30 fee if the defendant wants to renew his or her driver's license. There are some exceptions to this rule. They are found in the Texas Administrative Code, Title 37, Part 1, Rule 15.119, which provides that if an offense has a defense to the prosecution, a person is considered acquitted upon proof of the defense. In this instance, the \$30 would not be charged. Examples of such offenses are: failure to maintain financial responsibility, failure to display driver's license, and failure to display certificate of inspection.

If a defendant is convicted of the offense, the defendant is liable for the \$30 cost. This cost is added to all the other costs, state and local, required to be paid by defendants. The \$30 fee does not take precedence over the other costs and if the court takes a partial payment from the defendant, the amount must be prorated amount all the costs and not just to the \$30.

If a defendant is unable to pay the fine and costs, the judge may require defendants to discharge them by performing community service. The \$30 may be discharged by performing community service. If a defendant has spent time in jail, Article 45.041 of the Code of Criminal Procedure requires the judge to give defendants jail credit to the fine and costs. Hence, the \$30

may be discharged by jail credit.

If a defendant is acquitted of the underlying charge, then the defendant does not owe the \$30 fee and the municipality does not have to pay any money to the State or the vendor. If a court sends a report to OmniBase in error, then no fee is required. If records are being destroyed in accordance with the municipality's record retention policy, then no fee is required.

After the \$30 has been paid (whether it is by money, community service, or jail credit) or the court has satisfied the individual's obligation in the case, the court is required to transmit to OmniBase within five business days the following information:

- Name of defendant
- Texas driver's license number
- Docket number
- Plea
- Disposition
- Penalty

The \$30.00 administrative fee applies to each offense submitted by the court. Twenty dollars of each fee collected must be sent to the State Comptroller's office along with the other court costs each calendar quarter. The municipality must pay the OmniBase a fee of six dollars for each offense that has been reported. This payment must be made no later than the last day of the month following the close of the calendar quarter in which the payment was received by the municipality. The remaining four dollars is retained by the municipality.

If the defendant is acquitted of the underlying charge, then no payment must be made to the State or to OmniBase. If the court does not receive the court costs and fees in money because the defendant performed community service, then no payment must be made to the State or OmniBase. If an individual is ordered to pay court costs and fees, but is not

assessed a fine, payment to OmniBase is still required.

What happens at DPS? OmniBase transmits the information to DPS by a data cartridge tape. The tape contains all entries as well as final dispositions that have occurred since the previously delivered tape. The data cartridge is downloaded into the DPS mainframe computer. After edits, DPS automatically turns on a FTA flag for appropriate driver records on all accepted data. Any record that contains erroneous data is rejected and returned to the court for correction.

Then DPS sends the defendants a letter instead of a driver license renewal notice to inform them that they will not be able to renew their driver's license. The letter provides a toll-free number for compliance information and informs the defendant of the consequences of driving while license invalid (DWLI). (*See* Transportation Code §521.457.) The 80th Legislative Session changed the penalties on DWLI. Offenses occurring September 1, 2007, will be a Class C misdemeanor unless the suspension was the result of driving while intoxicated, then it is a Class B misdemeanor. If the defendant has been previously convicted of DWLI, the offense is a Class A misdemeanor.

When a defendant who has been submitted to the FTA Program goes to a DPS driver's license office to renew his or her driver's license, the defendant, after receiving notice of the denial of renewal, will be issued a 60 day temporary permit. The DPS clerk will refer the defendant to OmniBase's toll-free number if the defendant asks about the outstanding charges against him or her.


When DPS headquarters in Austin receives the renewal requests from defendants who are in the FTA Program, DPS withholds their driver's licenses from the manufacturing

process and sends another letter to the defendants marked, "DENY RENEWAL LTR #2-FTA." This letter not only tells defendants that their license will not be renewed but also that their driving privileges will be denied upon expiration of the temporary permit.

It informs the defendant that upon compliance, a driver license will be produced and mailed.

After the court submits a compliance report, DPS produces a driver license and notes on the defendant's driving record "COMPLIANCE RECEIVED-FTA". The driver license is then mailed to the defendant.

When non-complying defendants do not attempt to renew their license, including defendants who attempt to renew their license up to one year prior to the expiration, upon 60 days after the expiration of the driver license or the issuance of a temporary permit, whichever comes first, a third letter is sent to notify the defendants that they are officially denied renewal of their driver licenses. DPS updates the defendants' driver records to reflect "DENY RENEWAL-FTA." The defendants are then subject to the DWLI statutes while operating a vehicle.

The FTA Program is an important tool for municipalities to use to enforce compliance for defendants who fail to appear or defendants who fail to comply with court orders and judgments. Most cities do not have the personnel to constantly work cases of delinquent defendants because they are dealing daily with new cases. The FTA Program notifies defendants that there are consequences to their lack of responsibility of taking care of their cases in the court. This is a program that each city should explore as an optional enforcement tool. 

*For more information, go to [www.omnibase.com](http://www.omnibase.com) or call 512.346.6511.*

with the passage of SB 1470, which requires certain admonishments and notifications to those defendants who are accused or convicted of misdemeanor family violence.

Federal funding for family violence prevention funnels to each state through the Violence Against Women Act (VAWA). In 1994, the U. S. Congress enacted VAWA (18 U.S.C.A. §§ 2261 to 2266).<sup>5</sup> This federal act was designed to battle family violence from multiple angles, and included provisions for research and data collection, education and prevention, direct assistance to victims, criminal prosecution, and punishment.

Initially, appropriations of \$1.62 billion were made to fund and support shelters and services to victims, to provide education to prosecutors and law enforcement, and to create an offender database and a national toll-free domestic violence hotline.<sup>6</sup>

With the 2006 VAWA reauthorization, each state must certify that its judicial policies and practices include certain notifications to family violence offenders.<sup>7</sup> These admonitions include the information that a family violence conviction – even at the misdemeanor level – creates the prohibition of possession of a firearm. This prohibition also extends to those subject to a family violence protective order.<sup>8</sup> Texas must include this admonishment in its judicial policies and procedures and make a certification to the federal government no later than January 5, 2008 that courts are complying, or the State stands to lose \$7 million in federal funding for domestic violence programs.

To preserve current funding levels and continue the provision of domestic violence services to Texans, SB 1470 was passed by the Legislature and signed into law by Governor Perry.

The bill, effective September 1, 2007, directs courts to create procedures to meet the requirements under VAWA established by the U.S. Congress. Operationally, the result of SB 1470 is that the Texas Code of Criminal Procedure is amended so that prior to accepting a plea of guilty or *nolo contendere* in a family or domestic violence case, the court must admonish the defendant of certain facts. Specifically, the court must inform the defendant that it is unlawful for him or her to possess or transfer a firearm or ammunition if the defendant is convicted – and that this prohibition **does include misdemeanor convictions for family violence**. Therefore, the requirement of the admonition does apply to municipal courts and should be integrated into the court's procedures. Language related to the admonishment requirement can be found in the newly amended Article 26.13(a) and Chapter 42 of the Code of Criminal Procedure.

Ostensibly, should someone convicted of a family violence misdemeanor possess or transfer a firearm, then they are in violation of Texas Penal Code §46.04 (Unlawful Possession of a Firearm).<sup>9</sup> There is, however, a problem. Section 46.04 only speaks to Class A misdemeanors. While a broad interpretation would include the language and intent of the federal law, there seems to be a conflict of laws between the state and federal measures. Specifically, the federal law states:

It shall be unlawful for any person who is subject to a court order that was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate; restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in

reasonable fear of bodily injury to the partner or child; and includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or who has been convicted in **any court of a misdemeanor crime of domestic violence**, to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.<sup>10</sup>

Under the federal law, a crime is considered a domestic violence misdemeanor (requiring the admonishment) if the crime can be defined as a misdemeanor under either federal or state law and involves physical violence or force, or includes threats made with a deadly weapon and it was committed by a current or former spouse, a parent or guardian of the victim, a person with whom the victim shares a child, a person living with the victim as a spouse, parent, or guardian; or a person who has a similar relationship with a spouse, parent, or guardian of the victim.<sup>11</sup>

According to the federal law the state crime does not have to actually mention “domestic” or “family” violence in order for it to be considered a domestic violence misdemeanor and for the federal firearm admonition law to apply. However, in Texas the applicable portion of the Penal Code §46.04 (Unlawful Possession of a Firearm) refers only to a prohibition upon conviction of a Class A misdemeanor.



# FROM THE CENTER

## Translated Forms

Visit the TMCEC web site! TMCEC will soon post revised forms that have been translated into Spanish. These may be downloaded from the TMCEC website and adapted for use in your court ([www.tmcec.com](http://www.tmcec.com)).

## TMCEC Bench Book & Forms Book

TMCEC staff members will be revising and editing both the TMCEC *Bench Book* and *Forms Book* during the fall of 2007. If you have suggestions, please call (800.252.3718) or email Ryan Turner ([turner@tmcec.com](mailto:turner@tmcec.com)), Meichihko Proctor ([proctor@tmcec.com](mailto:proctor@tmcec.com)), or Lois Wright ([wright@tmcec.com](mailto:wright@tmcec.com)). Both will be updated with recent changes by the 80th Legislature and case law. The Center seeks to improve on any checklists or forms that are insufficient or flawed. Suggestions for new forms or new checklists are also invited.

## Code Books

Judges, watch for a copy of the *Texas Criminal and Traffic Law Manual: Judicial Edition* in the mail in late September. The TMCEC Board of Directors voted to send one copy at grant expense to every municipal judge in the State. If you do not receive your copy, please contact Chris Kerfoot at TMCEC (800.252.3718 or [kerfoot@tmcec.com](mailto:kerfoot@tmcec.com)).

## Save the date! May 21 - 23, 2008 TMCEC Traffic Safety Conference Irving, Texas!

Municipal judges, clerks, and city officials are invited to attend. The preliminary agenda includes topics such as *Blood Warrants, Booster Seats/Child Safety Seats, How Municipal Courts Can Make a Difference, Red Light Cameras & Enforcement, OmniBase Failure to Appear, Community or Problem Solving Courts, Aggressive Drivers, Young Drivers, DUI, Deferred Disposition, Role of Courts in City Government* and much more.

[www.tmcec.com](http://www.tmcec.com)

## So Now You're a Judge

TMCEC has prepared a pamphlet for new judges. A copy was recently sent to every judge appointed in FY 07. If you are an experienced judge and would like a copy, please contact Chris Kerfoot at TMCEC (800.252.3718 or [kerfoot@tmcec.com](mailto:kerfoot@tmcec.com)). The pamphlet has information on judicial robes, oaths of office, gun laws, and so on.

## Our Apologies

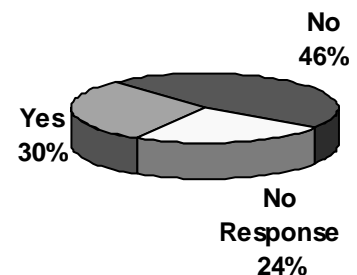
The staff at TMCEC would like to apologize for any slow response, lost paperwork, or confusion created in FY 07 by the new \$50 TMCEC registration fee or \$100 TMCA CLE fee. We truly underestimated how time consuming it would be. We have now reorganized our staff, upgraded our database system, and pledge to provide you with quicker and more efficient processing of your registration forms and fees in FY 08. Thank you for your patience. In fact, we hope that all participants will be able to register online by mid-year. Stay tuned!

## Judicial Residence Requirements

Each year TMCEC collects data from the judges' and clerks' attendance forms that helps us understand the structure and organization of the municipal court system in Texas. Shown below are the responses from judges in the FY 07 TMCEC programs on the issue of whether the city charter requires that the judge reside in the city. If there are similar questions that you would like asked, please email your questions to Hope Lochridge at TMCEC ([hope@tmcec.com](mailto:hope@tmcec.com)) and we will consider adding them to the FY 08 attendance form. Please help us collect this data by responding to the questions on your attendance form that is turned in at the end of the seminar.

*Does your city charter require that the judge reside within the city?*

Yes  
274  
30%  
No  
429  
46%



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# In Appreciation

TMCEC wishes to extend a debt of gratitude to the faculty members and course directors who participated in FY07 programs. Without the hard work and dedication of the following faculty members, TMCEC would not have been able to make the year's programs an overall success.

The Honorable Michael Acuna,  
Municipal Judge, Dallas

W. Clay Abbott, DWI Resource  
Prosecutor, TDCAA

Ilse Bailey, Assistant County Attorney,  
Kerr County

The Honorable Robert J. Barfield,  
Municipal Judge, Baytown, El  
Lago, Pasadena, and Prosecutor,  
Texas City

Lynn Bollish, Prosecutor, Carrollton

Cathy Bradford, Commission  
Counsel, State Commission on  
Judicial Conduct

Elaine Brown, Court Administrator,  
Katy

Charles Bubany, George Mahon  
Professor of Law, Texas Tech  
University of Law

The Honorable John Bull, Municipal  
Judge, San Antonio

The Honorable Dianne Burnett,  
Municipal Judge, Carrollton and  
The Colony

Israel Campos, Law Enforcement  
Coordinator, Texas Municipal  
Police Association

Debbie Carter, Public Policy  
Coordinator, Texas Council on  
Family Violence

The Honorable Robb Catalano,  
Municipal Judge, Fort Worth

The Honorable Mark Chambers,  
Municipal Judge, Trophy Club

Candace Chappell, Senior Assistant  
City Attorney, Irving

The Honorable Carrie Chavez,  
Municipal Judge, Dallas

Deryl Corley, Court Administrator,  
Carrollton

Hilda P. Cuthbertson, Court  
Administrator, Bryan

Ed David, III, Chief Marshal,  
Baytown

Ray Dittrich, Law Enforcement  
Coordinator, Texas Municipal  
Police Association

Robert Doty, Municipal Judge,  
Lubbock

Russ Duncan, Assistant Collections  
Manager, Office of Court  
Administration

The Honorable Gary Ellsworth,  
Municipal Judge, Gruver,  
Spearman, and Stratford

Carolyn Espeseth, Prosecutor, Austin

Dianna Faulkenberry, Court  
Administrator, Mansfield

Ross Fischer, City Attorney, Seguin

The Honorable Linda Frank, Chief  
Prosecutor, Arlington and  
Municipal Judge, Plano

Susie Garcia, Court Administrator, San  
Marcos

Elisabeth Gazda, Prosecutor,  
Arlington

The Honorable Allen Gilbert,  
Municipal Judge, Mertzson and San  
Angelo

Tracie Glaeser, Court Manager,  
Lewisville

Bonnie Goldstein, Municipal Judge,  
Cockrell Hill and Royce City, and  
Prosecutor, McKinney

Stephen Goode, Professor, University  
of Texas School of Law

Adrianna Martinez-Goodland,  
Attorney at Law, Richardson

Julian Grant, Assistant Attorney  
General, Municipal Affairs  
Division, Attorney General's  
Office

Yvonne Gunnlaugsson, Law  
Enforcement Coordinator, Texas  
Municipal Police Association

Jacqueline Habersham, Senior  
Commission Counsel, State  
Commission on Judicial Conduct

Randy Harris, Chief City Marshal, San  
Angelo

Leisa Hardin, Court Administrator,  
Crowley

The Honorable Sara Hartin, Municipal  
Judge, New Braunfels

Rene Henry, Consultant, Hot Springs  
Village, Arkansas

Rosa Hernandez, Consultant, Cedar  
Creek

Victor Hidalgo, Commission Counsel  
Investigator, State Commission on  
Judicial Conduct

The Honorable Vonciel Jones Hill,  
Dallas City Council District 5

The Honorable Brian Holman,  
Municipal Judge, Lakewood  
Village and Lewisville

Noel Johnson, Law Enforcement  
Coordinator, Texas Municipal  
Police Association

Wanda Kelly, Court Administrator,  
Shenandoah

Andy Kerstens, Bailiff, Webster

Kimberly Kierce, Court Administrator,  
Richardson

Lynda Kilgore, Court Administrator,  
La Porte

The Honorable Deanie King,  
Municipal Judge, Corpus Christi

Anne Kleinert, Public Policy  
Coordinator, Texas Council on  
Family Violence

Rhonda Kuehn, Court Administrator,  
Brenham

The Honorable Scott Kurth, Municipal Judge, DeSoto, Glenn Heights, Grand Prairie, and Red Oak

The Honorable Antonio Kosta, Municipal Judge, Harker Heights

The Honorable C. Victor Lander, Municipal Judge, Dallas

James Lehman, Collections Specialist, Office of Court Administration

Dr. Richard Lewis, President, Round Trip Consulting Associates

Hope Lochridge, Executive Director, TMCEC

Sgt. Mark Lockridge, Waxahachie Department of Public Safety

Sandra Mabbett, Judicial Information Analyst, Office of Court Administration

The Honorable Jan Blacklock Matthews, Municipal Judge, Lubbock

Lisa Mayo, Municipal Court Clerk, Roanoke

Suzanne McDaniel, Director, Victim Assistance and Communications, Crime Victim Services Division, Attorney General's Office

The Honorable Stewart Milner, Municipal Judge, Arlington

Janie Moreno, Court Interpreter, Dallas

The Honorable Marian Moseley, Municipal Judge, Coppell

Patricia Nasworthy, Assistant City Attorney, Grand Prairie

Erik Nielsen, Director of Training, TDCAA

Tammy Odom, Municipal Court Clerk, Sweeney

James Oswalt, Marshal, Lubbock

The Honorable Ana Otero, Professor, Thurgood Marshall School of Law

The Honorable Katherine Peake, Municipal Judge, Fredericksburg

Cpt. Jerome Powell, Department of Public Safety, Drivers License Division, Region 6

Meichihko Proctor, Program Attorney and Deputy Counsel, TMCEC

Lawrence Provins, Assistant City Attorney, Pearland

Sharon Pruitt, Assistant General Attorney, Juvenile Criminal Intervention, Attorney General's Office

Mena Ramon, Assistant General Counsel, Office of Court Administration

The Honorable Robin A. Ramsay, Municipal Judge, Denton, Krum, and Pilot Point

Pat Riffel, Court Administrator, Pearland

Margaret Robbins, Program Director, TMCEC

Jo Ann Sacharko, Court Administrator, Lancaster

Mary Sammon, Senior Court Management Consultant, National Center for State Courts

Bill Schwettmann, Law Enforcement Coordinator, Texas Municipal Police Association

The Honorable Robin Smith, Municipal Judge, Midland

The Honorable Mitchell Solomon, Municipal Judge, Austin

Judy Spalding, Commission Counsel, State Commission on Judicial Conduct

The Honorable Edward Spillane, Municipal Judge, College Station

Rebecca Stark, Court Administrator, Austin

Jennifer Sullivan, Court Administrator, Sealy

Karon Teague, Government Information Analyst, Texas State Library

Zindia Thomas, Section Chief for County Affairs, Attorney General's Office

Lowell Thompson, District Attorney, Navarro County

Bonnie Townsend, Court Administrator, Lockhart

Gerry Tucker, Associate Vice President of College of Human Resources, Austin Community College

Ryan K. Turner, General Counsel and Director of Education, TMCEC

The Honorable John Vasquez, Municipal Judge, Austin

Bob Warneke, General Counsel, State Commission on Judicial Conduct

Ronald White, City Marshal, White Settlement

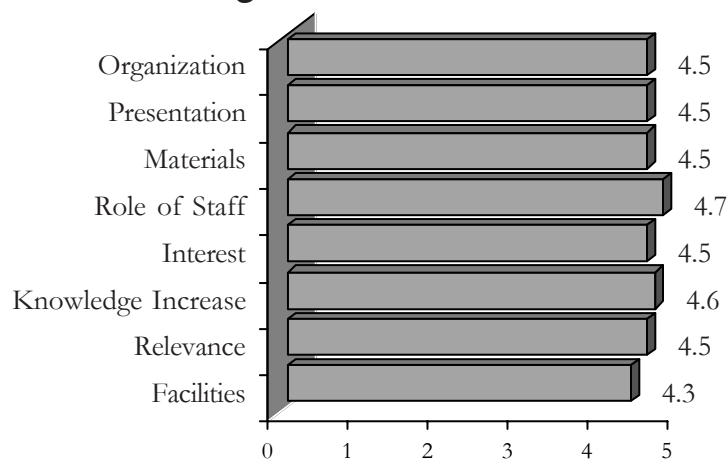
Seana Willing, Executive Director, State Commission on Judicial Conduct

Curtis Wilson, Law Enforcement Coordinator, Texas Municipal Police Association

Lois Wright, Program Attorney, TMCEC



### FY06-07 Program Evaluation: Overall Average



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# Celebrate Municipal Courts Week

***November 5 - November 9, 2007***



**Texas  
Municipal  
Courts  
Education  
Center**

Join municipal courts, city councils, and communities throughout Texas in showing appreciation for the dedicated municipal judges, court clerks, court administrators, bailiffs, and warrant officers who comprise the Texas municipal courts from November 5 to November 9, 2007. Municipal Courts Week is a great time to not only recognize how much municipal courts do, but to share with the public the important role that local courts and their personnel play in the criminal justice system and the larger community.

Your celebration of Municipal Courts Week should be as unique as your court, so be creative with your activities. Here are some ideas that have been successful in the past:

- Ask your city council to pass a local resolution (see next page).
- Host a tour of your court for the city council and the public. While they are there, ask the presiding judge to make a presentation or show the TMCEC video *Role of the Municipal Court* (available from TMCEC at no charge).
- Hold a mock trial with a local high school government class acting as the key players.
- Show the court staff appreciation by treating them to lunch or have a brown-bag lunch hour together.
- Host a Q&A column in the newspaper to explain how your municipal court works.
- Still need more ideas? Watch the TMCEC website, [www.tmcec.com](http://www.tmcec.com), for additional ways to celebrate Municipal Courts Week.

*Remember to start planning early and have fun!*

**We want to hear all about your celebration so please send copies of your activities, calendar, and news clippings to TMCEC so that we can share them with other courts. 📧**

**LOCAL PROCLAMATION  
MUNICIPAL COURT WEEK  
NOVEMBER 5~9, 2007**

**WHEREAS**, the Municipal Court of \_\_\_\_\_, a time honored and vital part of local government, has existed since \_\_\_\_\_,

**WHEREAS** more people, citizens and non-citizens alike, come in personal contact with municipal courts than all other Texas courts combined, and

**WHEREAS** public impression of the entire Texas judicial system is largely dependent upon the public's experience in municipal court,

**WHEREAS**, Municipal Judges and court support personnel have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all, and conform to the standards set by the Canons of Judicial Conduct,

**WHEREAS**, the Municipal Courts play a significant role in preserving the quality of life in Texas communities through the adjudication of traffic offenses, ensuring a high level of traffic safety for our citizens,

**WHEREAS**, the Municipal Courts serve as the local justice center for the enforcement of local ordinances and fine-only state offenses that protect the peace and dignity of our community,

**WHEREAS**, the Municipal Judges and Clerks continually strive to improve the administration of justice through participation in judicial education programs, seminars, workshops and the annual meetings of their state and local professional organizations.

**THEREFORE**, it is most appropriate that we recognize the accomplishments of the \_\_\_\_\_ Municipal Court, and salute its critical role in preserving public safety, protecting the quality of life in our community, and deterring future criminal behavior,

**NOW**, I \_\_\_\_\_, Mayor of the City of \_\_\_\_\_, do recognize the week of November 5-9, 2007, as Municipal Court Week, and further extend appreciation to all \_\_\_\_\_ Municipal Judges and court support personnel for the vital services they perform and their exemplary dedication to our community. I call upon all residents of \_\_\_\_\_ to join with the City Council in recognizing the vital service they perform and their exemplary dedication to the communities they represent.

**ON** this day \_\_\_\_\_ of \_\_\_\_\_, 2007.

\_\_\_\_\_, Mayor

\_\_\_\_\_, Attest

the Interstate Maintenance (IM) program made available under federal authorization acts. Penalties incurred equate to five percent loss of funds from each identified program during the first year and 10 percent for each subsequent year. Lost funds, even upon compliance, are unrecoverable.

According to the Legislative Budget Board, in 2008 alone, the estimated loss of federal funding and state general revenue resulting from non-compliance could total \$207 million.

While the Legislature has complied with the federal mandate by prohibiting holders of CDLs accused of traffic offenses from being eligible for either deferred disposition or a driving safety course, there appears to be an oversight that debatably allows CDL holders to obscure their traffic violations. The "loop hole" as it has come to be known in local trial courts, involves *de novo* appeals to county court.

Most municipal courts and all justice courts are non-record courts. This means that with or without having a trial a defendant may appeal a judgment of guilt to county court where the matter is prosecuted as if the matter had originally commenced in county court. County courts, unlike municipal and justice courts, are not governed by Chapter 45 of the Code of Criminal Procedure. While county courts are presumably as familiar with the applicable federal regulations as municipal and justice courts, there is nothing in Chapter 42 of the Code of Criminal Procedure which is comparable to the express prohibitions contained in Chapter 45. Consequently, there is nothing expressly prohibiting county courts from granting deferred adjudication (Article 42.12, Code of Criminal Procedure).

Herein lies the inequity and potential calamity when it comes to CDL

holders who appeal their traffic violations to county court. While in the August 2002 issue of this publication, I described the differences between deferred disposition and deferred adjudication, it appears that both are equally prohibited by the federal regulations relating to CDL holders.

The Legislature is either unaware of the loop hole or knows something that is not widely understood by the rest of us. During the last two Sessions, there were rumors in Austin that the loop hole was going to be closed. It wasn't.

Hopefully, the Office of Court Administration and the Texas Judicial Council will now examine the issue.

Upon determining that there is an actual problem, the solution is an easy one. Make the provisions of Article 42.111 of the Code of Criminal Procedure mandatory in all cases appealed from either a municipal or justice court and duplicate the language of Article 45.051(f), Code of Criminal Procedure into Article 42.12, Code of Criminal Procedure.

### **All Laws Do Not Take Effect September 1 (Even When They Say They Do)**

While it would be nice to see one Session conclude without an increase in court costs, in comparison to past sessions, municipal courts came out relatively unscathed. SB 600 increased the judicial support fee from \$4 to \$6. HB 1267 creates a fee for support of indigent defense, a new \$2 court cost for criminal offenses other than offense involving pedestrians or parking of a motor vehicle. Finally, HB 1623 creates a wide array of compliance dismissal fees.

Contrary to the express language of these three pieces of legislation, the court costs and fees imposed by them take effect January 1, 2008 (not September 1, 2007 or October 1, 2007). Please be advised that Section 51.607 of the Government Code

provides that any new or increased fee or court cost collected locally from a party to a civil case or a defendant in a criminal case, or a fee or charge for services or expenses of a public official, does not become effective until the next January 1 after the law takes effect.

The collectively memory of the Legislature must be short. They seem without fail to create new court costs without apparent reference or consideration of Section 51.607. Consequently, many publications incorrectly state the effective date of new court costs.

The rub this Session has to do with compliance dismissals. While Section 51.607 prohibits collection of related fees until January 1, 2008, it presumably has no implications on a court's ability to dismiss certain cases upon proof of remedy or compliance (HB 1623's effective date is September 1, 2007). If such is the case, courts can begin dismissal compliances in September but will not collect fees until January 1 (which, by the way, is nine days after the conclusion of autumn). 🗡️

## **CTC10 October 2-4, 2007 Tampa Convention Center, Florida**

The National Center for State Courts will offer its 10<sup>th</sup> National Court Technology Conference in Tampa, Florida in October 2007. Participants will be exposed to the latest and greatest court technology offered. For more information, call 888.609.4023 or go to [www.ctc10.org](http://www.ctc10.org).



## No More Best Practices

By Ingo Keilitz, Of Counsel in Performance Measurement, National Center for State Courts

Wherever you look, you see best practices. Sounds like a bit of wisdom from Yogi Berra, doesn't it?

We have best practices for appellate courts and for problem-solving courts, for racial fairness, for reducing family violence, for collection of traffic fines, for electronic document digital discovery, for human resource management, for ensuring public trust and confidence and, seemingly, for everything in court policy and operations under the sun. Even though I'm guilty of using the term in the past, to put it bluntly, I'm tired of *best practices* and would like to see the concept replaced with evidence-based best practices or simply *evidence-based practices*. And here's why.

I'm sure that serious policymakers associate the concept of best practices with empirical evidence to back up the word "best" – the National Center for State Courts, for example, provides information on "proven best practices." But that's not the way the concept is typically used and understood. Instead, best practices seem to be things that courts do that they are proud of, that experts want them to do, that have gotten some good press, that have attracted the attention of a critical mass of court managers, and so on. I would call these "interesting practices," "intriguing practices," "promising practices" and maybe, "practices-you-might-want-to-see-in-person-if-the-weather-is-right," but not "best practices." There's nothing wrong with these things, but they are rarely based on valid and reliable evidence that they really work. And there are so many best practices claimed by so many people, probably because the criteria for introducing them are low and vague. "He that is everywhere is nowhere," said Thomas Fuller, the 15th century English preacher and historian who had the wit of Yogi Berra.

In a 2006 *Public Management Report* (Vol. 3, No. 11), Bob Behn, a lecturer at Harvard University's School of Government, takes it to another level. If, as Ralph Waldo Emerson said, "consistency is the hobgoblin of little minds," then "best practice" is the refuge of unimaginative ones, writes Behn. Why are public managers so obsessed with something that someone else has labeled "best practice"? Because, writes Behn, if they discover a "best practice," then

they can stop thinking. By adopting a "best practice," public managers conveniently avoid the hard work of figuring out whether the identified practice actually will work in their organizations. A manager need not be too discriminating or too careful worrying whether the practices will provide some "operational nutrition" or merely "institutional heartburn." He or she can simply choose from a long menu of best practices what is personally appetizing. It simply is the "best," they confidently assure themselves and others. Who will challenge the unnamed management gurus, asks Behn, who have certified the practice as "best"?

There is a better way to get to what works; performance measurement. Among the top reasons for doing court performance measurement is that it helps to identify evidence-based based practices for increasing court users' perception of courtesy and respect paid to them by the court.

Here's a suggested definition: Evidence-based practices are programs, strategies, or procedures for which there is demonstrable evidence that their use produces desirable performance outputs and outcomes. More generally, evidence-based court improvement practice is a systematic process for using performance measurement results – as well as that of research and program evaluation – for court improvement. 🛠️

*Article reprinted with permission. Ingo Keilitz writes a blog, Made2Measure (<http://made2measure.blogspot.com/>), from which this article is adapted. Article also published in Court Communique, a newsletter of the National Association for Court Management, Vol. 8, No. 1, 2007 ([www.nacmnet.org](http://www.nacmnet.org)).*



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# Municipal Traffic Safety Initiatives

## Traffic Safety Awards

### Purpose:

To recognize those who work in cities that have made outstanding contributions to their community in an effort to increase traffic safety. This competition is a friendly way for municipalities to increase their attention to quality of life through traffic safety activities. Successful programs will be shared across the state. Each submission will be recognized.

### Eligibility:

Any municipal court in the State of Texas. Entries may be submitted on behalf of the court by the following: Judge, Court Clerk, Deputy Court Clerk, Court Manager, Court Administrator, Bailiff, Marshal, Warrant Officer, City Manager, City Councilperson, Law Enforcement Representative, or a Community Member.

### Awards:

Award recipients will be honored at the Texas Municipal Courts Education Center (TMCEC) Traffic Safety Conference that will be held on May 21-23, 2008 at the Omni Mandalay Hotel at Los Colinas in Irving, Texas.

Nine (9) awards will be given:

- Two (2) in the large volume courts, *servicing populations of 150,000 or more;*
- Three (3) in the medium volume courts, *servicing populations between 30,000 and 149,999; and*
- Four (4) in the small volume courts, *servicing populations below 30,000.*

Award recipients receive for two municipal court representatives, complimentary conference registration; travel to and from the Traffic Safety Conference to include airfare or mileage that is within state guidelines, two night's accommodations at the beautiful Omni Mandalay Hotel and most meals and refreshments.

### Honorable Mentions:

If there are a number of applications that are reviewed and deemed outstanding and innovative, at the discretion of TMCEC, honorable mentions may be selected.

Honorable mentions will be provided airfare or mileage that is within state fiscal guidelines to attend the Traffic Safety Conference and will be recognized at the Traffic Safety Conference.

### Judging Committee and How Entries are Judged:

A panel of judges made up of TMCEC staff and board members will review each application and assign points based on the materials submitted. After judging, the scores will be averaged and a final score assigned. *There may be categories where no awards will be presented due to a lack of entries.*

Applicants will be judged on the basis of what their court is doing in terms of public outreach in their community to increase traffic safety while decreasing traffic crashes, traffic fatalities, juvenile DUI, child safety seat offenses, red light running, and other traffic related offenses. It may be helpful to review "What Can You Do" on page 19 of this publication.

**Section I:** *A maximum of 50 points can be awarded.*

**What are you currently doing or planning to do to address traffic safety?** Please provide a written report that is no longer than five pages in length. This may include details regarding, but not limited to: monthly or regular articles in local publications; sponsorship of mock trials; community outreach; distribution of written materials and pamphlets; creative sentencing; bilingual programs and initiatives on traffic safety; adoption of the national and state programs such as Click It or Ticket; web-pages addressing traffic safety; presentations to local civic groups and organizations; interaction with youth; outreach with repeat offenders; and community partnerships. Court programs may be represented in conjunction with city departments, local schools, civic groups, and other community programs.

**Section II:** *A maximum of 30 points can be awarded.*

**Attachments/Samples.** Seeing is believing. Show us samples or digital photos of your materials. This may include, but is not limited to: **copies** (*these will not be returned*) of photos, news articles, press releases, materials you distribute, copies of your web-pages, flyers, and letters of support.

**Section III:** *A maximum of 20 points can be awarded.*

**Neatness, organization of materials, and following submission guidelines.**



### General Tips on a Winning Submission:

- First impressions count. A neat, well-organized submission that is easy to understand during the judging makes big difference.
- Make sure that all of the information you want the judges to see is securely attached.

### Entry Rules:

- **Three copies** of the application packet must be submitted.
- Provide a completed application packet that includes the application form.
- All typed pages should be 1.5 or double spaced, printed single-sided in at least a font size of 12, *excluded: attachments and samples do not have to follow these guidelines.*
- Each application packet cannot contain more than thirty pages or documents, including attachments, pictures, and supporting documentation. You may include letters of support as long as you do not exceed page limitations. If, for example, you create a four page handout on Juvenile DUI to distribute to your local schools, this will count as one document.
- Applications are divided into three (3) categories:
  1. *Large Volume Courts are those serving populations of 150,000 or more;*
  2. *Medium Volume Courts are those serving populations between 30,000 and 149,999; and*
  3. *Low Volume Courts are those serving populations below 30,000.*
- Please provide copies only, **no originals, as your submission will not be returned.**
- No late submissions will be considered.

### Deadline:

Entries must be postmarked no later than **Thursday, January 31, 2008.**

Send applications to:

TMCEC – Traffic Safety Awards  
Attn: Lisa Robinson, CFLE  
TxDOT Traffic Safety Grant Administrator  
1609 Shoal Creek Boulevard, Suite 302  
Austin, TX 78701

### Presentation:

Award recipients and honorable mention winners will be notified by February 29, 2008 and will be honored during the Traffic Safety Conference to be held May 21-23, 2008 at the Omni Mandalay Hotel at Los Colinas in Irving, Texas.

### Successful Programs:

Information submitted will be compiled and shared statewide for community networking, collaboration, and examples of best practices. 📌

*For more information, please contact Lisa R. Robinson, CFLE, TxDOT Traffic Safety Grant Administrator, at 512/320-8274 or [robinson@tmcec.com](mailto:robinson@tmcec.com)*

## Traffic law enforcement benefits can go far beyond the traffic stop!

### What Can You Do?

- Get involved
- Add traffic safety materials to your city's and court's web-sites
- Host a warrant round-up with nearby cities
- Invite school groups into your court
- Start a proactive fine collection program
- Recognize situations where a "fine is not fine"
- Join the TMCEC listserv on traffic safety
- Approve adequate funding, staff, and support for your municipal court
- Speak to local civic groups on the importance of traffic safety
- Build community partnerships
- Ask law enforcement officers and prosecutors to work together to identify at-risk drivers in your community
- Create meaningful sentencing alternatives for repeat offenders, especially juveniles and minors using deferred disposition
- At the close of a trial after sentencing, remind jurors and court observers of the importance of compliance with traffic laws
- Adopt a seat belt policy for all city employees
- Participate annually in Municipal Court Week

# Municipal Traffic Safety Initiatives



## TMCEC Traffic Safety Award Application Deadline: January 31, 2008 (postmarked)

Please print all information as you would like to appear on the award

Name of Person Submitting & Position: \_\_\_\_\_

Court Nominated: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone number: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Email address: \_\_\_\_\_

Category (please check one):

\_\_\_\_\_ *Large Volume Court: serving populations of 150,000 or more*

\_\_\_\_\_ *Medium Volume Court: serving populations between 30,000 and 149,999*

\_\_\_\_\_ *Low Volume Court: serving populations below 30,000*

Judge's Signature: \_\_\_\_\_

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### DO NOT WRITE IN THIS AREA:

Section I: Written Report: Maximum of 50 points: \_\_\_\_\_

Section II: Attachments/Samples: Maximum of 30 points: \_\_\_\_\_

Section III: Neatness, Organization of Materials,  
& Following Submission Guidelines: Maximum of 20 points: \_\_\_\_\_

Total Points Awarded: \_\_\_\_\_

Notes: \_\_\_\_\_

\_\_\_\_\_



### Domestic continued from page 10

A further point of confusion is that the apparent time constraints on this prohibition do not seem to fully address the range of misdemeanor family violence convictions. In Texas Penal Code §22.01(Assault), the law provides that a person who has been convicted of an assaultive offense, punishable as a Class A misdemeanor and involving a member of the person's family or household, commits a new offense if the person possesses a firearm before the fifth anniversary of the later of: (1) the date of the person's release from confinement following conviction of the misdemeanor; or (2) the date of the person's release from community supervision following conviction of the misdemeanor.<sup>12</sup>

It would seem from a plain-language statutory interpretation of this section that after the five-year period, the person convicted of misdemeanor family violence (assault) may again possess and/or transport a firearm. No further legislative guidance is given as to how long the prohibition exists in Class B and Class C misdemeanor family violence convictions. Again going to a plain-language reading of the federal law, which would include all misdemeanors, the five-year limitation seems to apply.

In a state with as deeply-rooted gun possession traditions as Texas, family violence defendants and defense attorneys will surely have issue with the limitation on this right to possess and transfer a firearm. That the Legislature did not fully contemplate the range of offenses for which this will apply will be problematic. However, municipal courts have the opportunity to establish procedures which will cover all of the proverbial bases by providing the admonition in the broad phrasing of the federal law. By following the federal law and enforcing its state counterpart, municipal courts also have the chance to create

greater environments of safety for the more than 200,000 Texans who are victimized by family violence each year.<sup>1</sup>

*Andria Brannon is a third year law student at St. Mary's Law School in San Antonio. Prior to law school she was the Corporate Sponsorship Director for Children's Medical Center of Dallas. She previously worked as the Community Development Director for New Beginning Center, Inc. in Garland, Texas. She is a native of Vernon, Texas. She served as a TMCEC legislative law clerk during the summer of 2007.*

<sup>1</sup>Texas Department of Public Safety – Uniform Crime Reporting Section, Annual report of 2006 UCR Data Collection: *Crime in Texas 2006* at 5 (2006), available at [http://www.txdps.state.tx.us/director\\_staff/public\\_information/2006CIT.pdf](http://www.txdps.state.tx.us/director_staff/public_information/2006CIT.pdf).

<sup>2</sup>*Id.*

<sup>3</sup>See 200 Census: Population of Texas Cities Arranged in Descending Order,

available at <http://www.tsl.state.tx.us/ref/abouttx/popcity32000>.

<sup>4</sup>*Supra* n. 1 at 6.

<sup>5</sup>Sharon M. Grosfeld, *Protecting Victims of Domestic Violence*, 38-JUN Md. B.J. 25, 29 (2005).

<sup>6</sup>*Id.*

<sup>7</sup>18 U.S.C.A. §922(g)(8) and (9), West 2006.

<sup>8</sup>*Id.*

<sup>9</sup>Tex. Pen Code § 46.04.

<sup>10</sup>*Supra*, n. 7. (emphasis added).

<sup>11</sup>See [http://www.womenslaw.org/TX/TX\\_gun.htm#8](http://www.womenslaw.org/TX/TX_gun.htm#8).

<sup>12</sup>Tex. Pen Code §22.01.

### Hate continued from page 6

<sup>1</sup>Tex. Crim. Proc. Code Art. 42.014; Tex. Penal Code §12.47.

<sup>2</sup>*Id.*

<sup>3</sup>*Crime Reports: 2005-2006*, Texas Department of Public Safety, available at <http://www.txdps.state.tx.us/crimereports/05/cit05ch6.pdf>.

## Need More Training?

Judges and clerks often report on TMCEC evaluations that they would like additional judicial education. Did you know that you can access the webinars online? Go to [www.tmcec.com/webinar.html](http://www.tmcec.com/webinar.html). On this web page, there are audio files containing the presentations. These may be listened to online or downloaded to your computer or personal digital assistant. Also, the handouts, PowerPoint presentations, and forms are included. These materials are usually posted five days after the "live" program. Although "live" programs offer MCLE and certification credit, the post-event viewing does not.

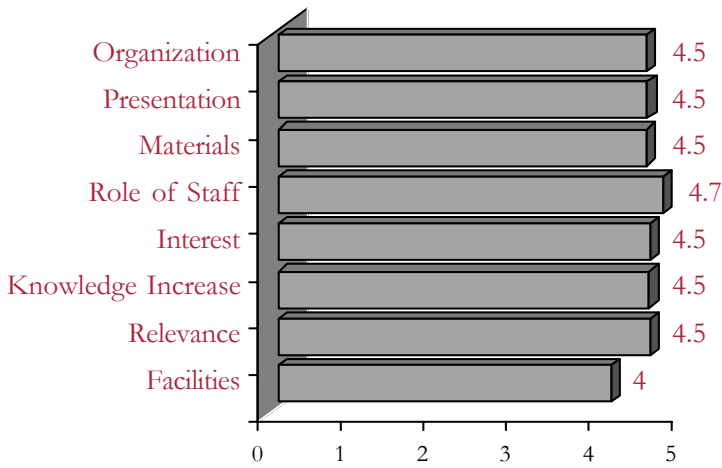
Sample programs from the last two years are listed below:

- *Bond Forfeitures*
- *Diversity*
- *DSC and Deferred*
- *Dismissals*
- *Juveniles Now Adults*
- *Enforcement and Collections*
- *Juvenile FTA vs. Failure to Pay*
- *Points and Surcharges: Driver Responsibility*
- *Blood Warrants in DWI Cases*
- *Ethics: Dealing with Attorneys in Courts*
- *Criminal Law Basics: Hearsay*

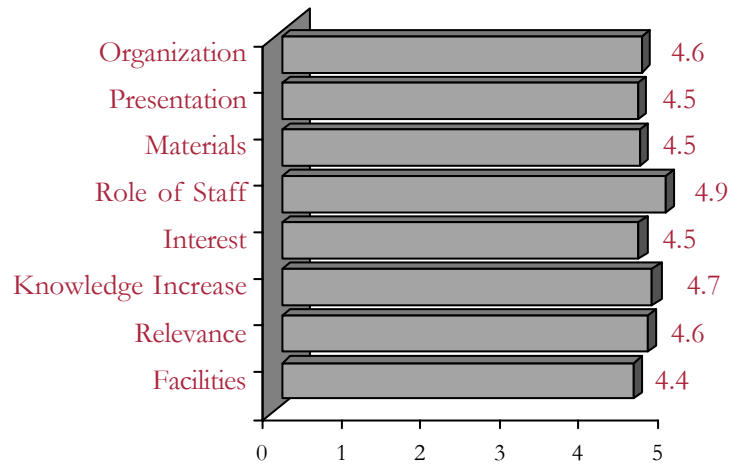
# TMCEC 2006-2007 Program Evaluation

SCALE	
1	- Poor
2	- Fair
3	- Adequate
4	- Good
5	- Excellent

**12-Hour Clerks**



**32-Hour New Clerks**



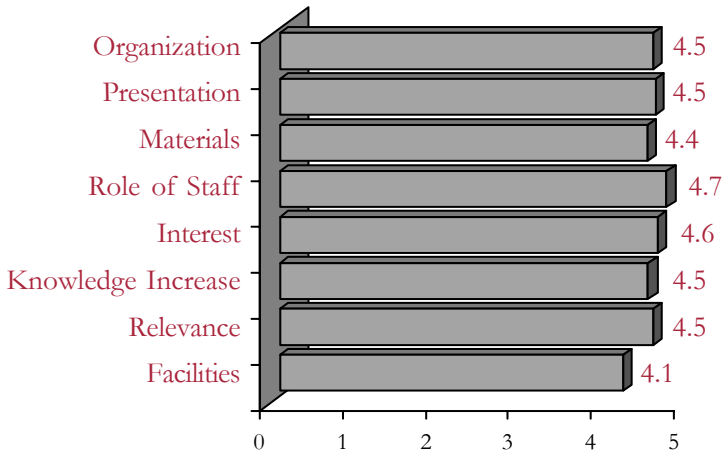
**12-Hour Judges**

Organization	4.4
Presentation	4.4
Materials	4.3
Role of Staff	4.7
Interest	4.2
Knowledge Increase	4.3
Relevance	4.3
Facilities	4.1

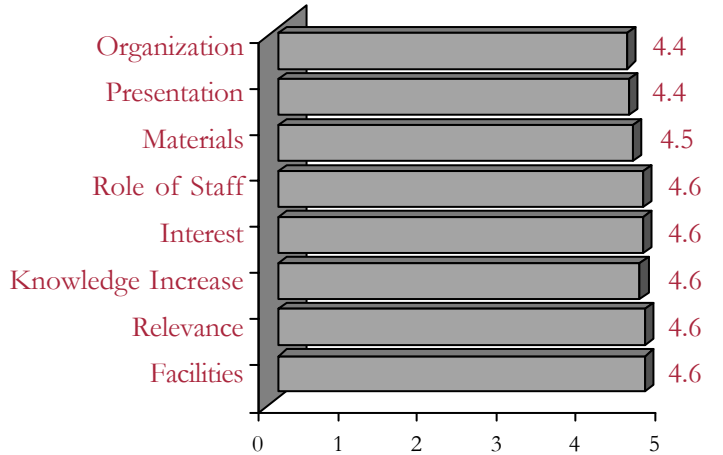
**32-Hour New Judges**

Organization	4.7
Presentation	4.8
Materials	4.7
Role of Staff	4.9
Interest	4.8
Knowledge Increase	4.9
Relevance	4.8
Facilities	4.4

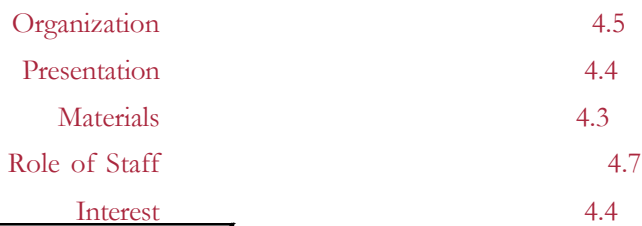
**Court Administrators**



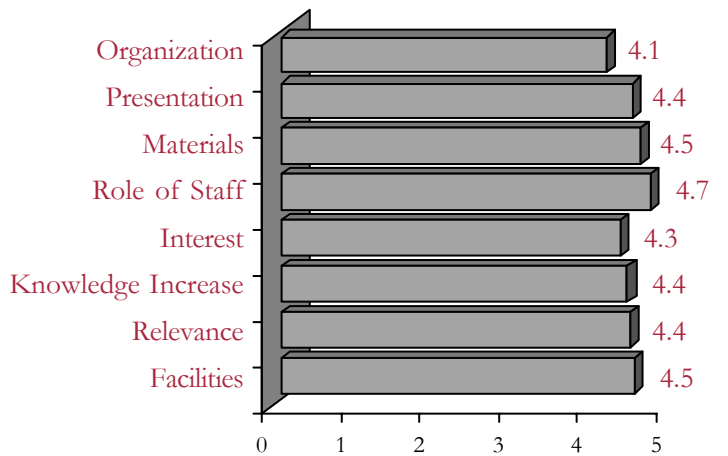
**Court Interpreters**



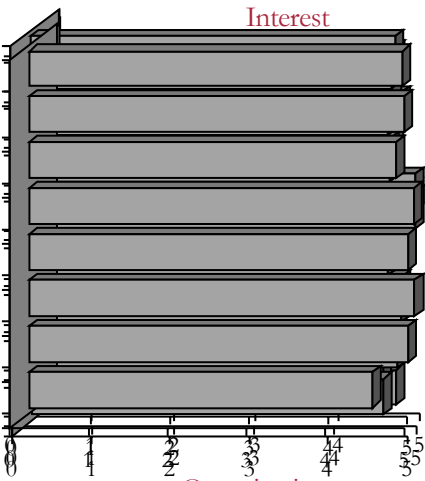
**Bailiff and Warrant Officers**



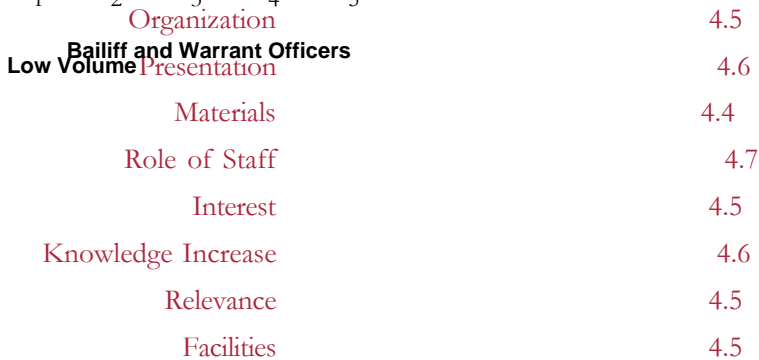
**Prosecutors**



**32-Hour New Judges**



**Low Volume**



**Legislative Update**





# TRAINING FOR YOUR COURT

## **TMCEC New Clerk 32-hour Program September 24-28, 2007 Omni Southpark Austin**

New clerks who have never attended the TMCEC 32-hour program are invited to register for the September 24-28, 2007 program to be held in Austin at the Omni Southpark Hotel. The program provides an overview of the work of the municipal clerk. To register, see the information found on page 25 of this journal. The registration fee is \$50. For additional information, contact Lois Wright at [wright@tmceec.com](mailto:wright@tmceec.com) or call 800.252.3718.

## **TMCEC Court Interpreter I & II Programs October 29, 2007 Omni Southpark Austin**

Licensed court interpreters who work full time in municipal courts in Texas are encouraged to register for the TMCEC Court Interpreter I and II programs to be held in Austin on October 29, 2007. The registration fee is \$50.

Court interpreters provide an essential connection between the justice system and foreign language speakers, as well as the hearing and language impaired. According to the Texas Department of Licensing & Regulation (TDLR), all licensed court interpreters are now required to display proof that they have attended eight hours of continuing education in order to renew their licenses. Two hours must be dedicated to ethics, while the remaining six hours may be taken in one or more of the following subjects:

- Laws and rules affecting the practice of a licensed court interpreter;
- Ethics;
- Business practices; and
- Practice topics; *e.g.*, etiquette, modes, vocabulary, technology, transcription, translation, grammar and spelling, and voice training.

To address this need, TMCEC has designed an approved conference exclusively for licensed court interpreters who work full-time in a municipal court, either on a contract, hourly, or salaried basis. There will be courses geared toward all levels of experience, from an introduction to the profession, laws governing court interpreters, to a mock trial with simultaneous Spanish interpretation. This conference is not a preparatory course for unlicensed interpreters seeking to sit for the exam.

TMCEC requires a signature authorizing attendance on the

registration form from the municipal judge in whose courtroom the licensed court interpreter works.

Questions about TDLR and the status of pending credits should be addressed to: Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711; 800-803-9202; or [court.interpreters@license.state.tx.us](mailto:court.interpreters@license.state.tx.us).

## **NCSC/ICM Managing Financial Resources January 7-9, 2008 Omni Southpark Austin**

For the fourth year, TMCEC will offer a three-day program in cooperation with the National Center for State Courts (NCSC) and Institute for Court Management (ICM) in Williamsburg, Virginia. The topic of this year's program will be *Managing Financial Resources* and will be led by Dr. John Hudsik of Michigan State University.

Participants will learn how to improve and defend their court's budget and resources in an economic climate where courts are competing with other agencies for scarce resources. Attention will be given to understanding the balance between judicial independence and fiscal responsibility, and learning practical steps courts can take during difficult fiscal times. The course seeks to recognize current and emerging trends in budget practices impacting your court's operations.

Course participants will engage in discussions and exercises designed to develop a managerial approach to the budget and budget justification process. Topics to be addressed include:

- The judicial branch position in the governmental budget process;
- The locus of government responsibility for financing courts;
- Responsibility for budget policy, budget creation, and budget management;
- Budgeting in a cutback mode;
- Dealing with volatile or expansive items in the court's budget; and the relationship between performance and access to resources.

To register, please complete the registration form found on page 27 of this journal. Space is limited; priority will be given to those who have participated in the past and then on a first-come-first-served basis. The registration fee is only \$50, although if the program was taken at the NCSC headquarters in Virginia, the tuition is typically over \$800.

# TMCEC Presents: 32-Hour New Clerks Conference

## Omni Southpark Hotel Austin, September 24 - 28, 2007

Many cities are unaware that municipal court clerks are court officers and must observe the same standards of fidelity and diligence that the Code of Judicial Conduct requires of a judge. Since the clerk's actions can and do bear directly on proper court operations, court clerks should understand the differences between judicial and ministerial duties. If a clerk oversteps the bounds of his or her authority, the clerk, judge, and city may be subject to liability. This program will help clerks perform their jobs properly and more effectively and accurately.

**Only new court clerks or court clerks who have never attended a TMCEC seminar are eligible to attend.**

**SEMINAR:** The cost to attend is \$50. The seminar will be conducted at the Omni Southpark Hotel located at 4140 Governor's Row. It begins **Monday, September 24** and concludes **Friday, September 28**. Registration begins on Monday at 10:00 a.m. Class begins at 1:00 p.m. on Monday and concludes on Friday at 12:00 p.m.

**HOTEL REGISTRATION:** The Center pays the entire cost of the room for the nights of 9/24, 9/25, 9/26, and 9/27. You are responsible for any incidentals (telephone calls, rooms service, movies, etc.). You must live at least 30 miles from the seminar site to request a room.

**MEALS:** While you are attending the seminar, the Center provides some of your meals. On Tuesday, Wednesday, and Thursday, breakfast and lunch are provided. On Friday, only breakfast is provided. Guests are **not allowed** to join seminar participants at TMCEC-sponsored meals or sessions.

**REGISTRATION FORM** *TMCEC computer data is updated from the information you provide. Please print legibly and fill out form completely.*

*(Please print legibly):* Last Name: \_\_\_\_\_ First Name : \_\_\_\_\_ MI: \_\_\_\_\_  
Names also known by: \_\_\_\_\_ Female/Male: \_\_\_\_\_  
Position held: \_\_\_\_\_  
Date appointed/Hired/Elected: \_\_\_\_\_ Years experience: \_\_\_\_\_ Emergency contact: \_\_\_\_\_

### HOUSING INFORMATION

TMCEC will make all hotel reservations from the information you provide on this form. **TMCEC will pay for a single occupancy room at all seminars** (four nights at the 32-hour seminars). To share with another participant, you must indicate that person's name on this form.

- I need a private, single-occupancy room.  
 I need a room shared with a seminar participant. [Please indicate roommate by entering seminar participant's name: \_\_\_\_\_ (Room will have 2 double beds.)]  
 I need a private double-occupancy room, but I'll be sharing with a guest. [I will pay additional cost, if any, per night]  
I will require:  1 king bed  2 double beds  
 I do not need a room at the seminar.

Arrival date (Class begins at 1:00 p.m. on 9/24/07): \_\_\_\_\_  Smoker  Non-Smoker

Municipal Court of: \_\_\_\_\_ Email Address: \_\_\_\_\_  
Court Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_  
Office Telephone #: \_\_\_\_\_ Court #: \_\_\_\_\_ FAX: \_\_\_\_\_  
Primary City Served: \_\_\_\_\_ Other Cities Served: \_\_\_\_\_

**STATUS** *(Check all that apply):*

- Full Time  Part Time  Court Administrator  Court Clerk  Deputy Court Clerk  Other:

I certify that I am currently serving as a municipal court clerk in the State of Texas. I agree that I will be responsible for any costs incurred if I do not cancel five (5) working days prior to the conference. I will cancel by calling the Center. If I must cancel on the day before the seminar due to an emergency, I will call the TMCEC registration desk at the conference site. **If I am a "no show", TMCEC reserves the right to invoice me or my city for meal expenses, course materials and, if applicable, housing (approximately \$385).** I understand that I will be responsible for the housing expense if I do not cancel or use my room. If I have requested a room, I certify that I live at least 30 miles or 30 minutes driving time from the conference site. Payment is due with registration form. **A \$50 registration fee is required. Only checks and credit card payments are accepted. Payment due with registration form.**

Participant Signature \_\_\_\_\_ Date \_\_\_\_\_

### PAYMENT INFORMATION

- Check Enclosed *(Make checks payable to TMCEC.)*  
 Credit Card *(Complete the following; \$2.00 will be added for each registration made with credit card payment.)*

**Credit Card Registration: (Please indicate clearly if combining registration forms with a single payment.)**

Credit card type: \_\_\_\_\_  
 MasterCard Name as it appears on card (print clearly): \_\_\_\_\_  
 Visa Authorized Signature: \_\_\_\_\_  
Credit Card Number \_\_\_\_\_ Expiration Date \_\_\_\_\_

Return to TMCEC, 1609 Shoal Creek Boulevard #302, Austin, TX 78701. Fax registration forms with credit card information to 512/435-6118.

## 2007-2008 TMCEC Academic Schedule At-A-Glance

Conference	Date(s)	City	Hotel Information
32-Hour New Clerks Conference	September 24-28, 2007	Austin	Omni Hotel Southpark 4140 Governor's Row, Austin, TX
12-Hour Regional Clerks Conference	October 8-10, 2007	Tyler	Holiday Inn Select Tyler 5701 South Broadway, Tyler, TX
12-Hour Regional Judges Conference	October 10-12, 2007	Tyler	Holiday Inn Select Tyler 5701 South Broadway, Tyler, TX
8-Hour Court Interpreters I Conference	October 29, 2007*	Austin	Omni Hotel Southpark 4140 Governor's Row, Austin, TX
8-Hour Court Interpreters II Conference	October 29, 2007*	Austin	Omni Hotel Southpark 4140 Governor's Row, Austin, TX
12-Hour Regional Judges and Clerks Conferences	November 14-16, 2007	Austin	Omni Hotel Southpark 4140 Governor's Row, Austin, TX
32-Hour New Judges and Clerks Conferences	December 3-7, 2007	Austin	Omni Hotel Southpark 4140 Governor's Row, Austin, TX
19-Hour Court Administrator Special Topic: ICM: Managing Financial Resources	January 7-9, 2008*	Austin	Omni Hotel Southpark 4140 Governor's Row, Austin, TX
12-Hour Regional Judges and Clerks Conferences	January 14-16, 2008	San Antonio	Omni San Antonio Hotel 9821 Colonnade Blvd., San Antonio, TX
12-Hour Bailiffs/Warrant Officers and Prosecutors Conferences	January 20-22, 2008	San Antonio	Crowne Plaza Riverwalk 111 E. Pecan Street, San Antonio, TX
Texas Assoc. of Counties: Courts & Local Government Technology Conference	TBD	Austin	TBD
24-Hour Level III Assessment Clinic	February 1-3, 2008*	Austin	Marriott Courtyard Downtown 300 East 4 <sup>th</sup> Street, Austin, TX
12-Hour Regional Judges and Clerks Conferences	February 3-5, 2008	Fort Worth (Alliance)	Doral Tesoro Hotel and Golf Club 3300 Championship Pkwy, Ft. Worth, TX
12-Hour Regional Judges and Clerks Conferences	February 24-26, 2008	Galveston	San Luis Resort 5222 Seawall Blvd., Galveston, TX
12-Hour Regional Judges and Prosecutors Conferences	March 16-18, 2008	Houston	Omni Houston Hotel 4 Riverway, Houston, TX
12-Hour Judges and Clerks Low Volume Seminar	March 24-26, 2008*	Corpus Christi	Omni Corpus Christi Bayfront 900 N. Shoreline Blvd, Corpus Christi, TX
12-Hour Regional Judges and Clerks Conferences	April 8-10, 2008	Lubbock	Holiday Inn Park Plaza 3201 South Loop 289, Lubbock, TX
12-Hour Judges and Clerks Low Volume Seminar	April 13-15, 2008*	Horseshoe Bay	Horseshoe Bay Resort Marriott 200 Hi Circle North, Horseshoe Bay, TX
12-Hour Regional Clerks Conference	April-29- May 1 <sup>st</sup> , 2008	S. Padre Island	Radisson Resort South Padre Island 500 Padre Blvd., South Padre Island, TX
12-Hour Regional Judges Conference (Attorneys)	May 4-6, 2008	S. Padre Island	Radisson Resort South Padre Island 500 Padre Blvd., South Padre Island, TX
12-Hour Regional Judges Conference (Non-Attorneys)	May 6-8, 2008	S. Padre Island	Radisson Resort South Padre Island 500 Padre Blvd., South Padre Island, TX
14.5-Hour Judges, Clerks, and City Officials Traffic Safety Conference	May 21-23, 2008	Irving	Omni Mandalay Hotel at Las Colinas 221 East Las Colinas Blvd., Irving, TX
8-Hour Court Interpreters I Conference	June 2, 2008*	Irving	Omni Mandalay Hotel at Las Colinas 221 East Las Colinas Blvd., Irving, TX
8-Hour Court Interpreters II Conference	June 2, 2008*	Irving	Omni Mandalay Hotel at Las Colinas 221 East Las Colinas Blvd., Irving, TX
12-Hour Regional Judges and Clerks Conferences	June 18-20, 2008	El Paso	Camino Real Hotel 101 S El Paso Street, El Paso, TX
12-Hour Bailiff/WO and Court Administrator Conferences	June 30- July 2, 2008	Dallas	Omni Dallas Park West 1590 LBJ Freeway, Dallas, TX
32-Hour New Judges and Clerks Conferences	July 7-11, 2008	Austin	Doubletree Hotel 6505 IH 35 North, Austin, TX

\*An asterisk indicates that there is no pre-conference, but housing is provided the night before the date shown. At all other conferences there is an optional pre-conference.

**TEXAS MUNICIPAL COURTS EDUCATION CENTER  
2008 REGISTRATION FORM**

Conference Date: \_\_\_\_\_  
Conference Site: \_\_\_\_\_

*Check one:*

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Non-Attorney Judge (\$50 fee)                    | <input type="checkbox"/> Clerk/Court Administrator (\$50 fee)   | <input type="checkbox"/> Prosecutor not seeking CLE credit (\$250)      |
| <input type="checkbox"/> Attorney Judge not seeking CLE credit (\$50)     | <input type="checkbox"/> Bailiff/Warrant Officer* (\$50 fee)    | <input type="checkbox"/> Prosecutor seeking CLE credit (\$350)          |
| <input type="checkbox"/> Attorney Judge seeking CLE credit (\$150)        | <input type="checkbox"/> Licensed Court Interpreter* (\$50 fee) | <input type="checkbox"/> Prosecutor not seeking CLE/no room (\$100 fee) |
| <input type="checkbox"/> Traffic Safety Conference-Judges & Clerks (\$50) | <input type="checkbox"/> Assessment Clinic (\$100 fee)          | <input type="checkbox"/> Prosecutor seeking CLE credit/no room (\$200)  |

**By choosing TMCEC as your CLE provider, attorney-judges and prosecutors help TMCA pay for expenses not covered by the Court of Criminal Appeals grant. Your voluntary support is appreciated. (For more information, see the TMCEC Academic Schedule).**

Name (please print legibly): Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ MI: \_\_\_\_\_  
Names you prefer to be called (if different): \_\_\_\_\_  Female  Male  
Position held: \_\_\_\_\_ Date appointed/Hired/Elected: \_\_\_\_\_ Years experience: \_\_\_\_\_  
Emergency contact: \_\_\_\_\_

**HOUSING INFORMATION**

TMCEC will make all hotel reservations from the information you provide on this form. TMCEC will pay for a single occupancy room at all seminars: four nights at the 32-hour seminars, three nights at the 24-hour seminars/assessment clinics, two nights at the 12-hour seminars, and one night at the 8-hour court interpreters seminar. To share with another seminar participant, you must indicate that person's name on this form.

- I need a private, single-occupancy room.
- I need a room shared with a seminar participant. [Please indicate roommate by entering seminar participant's name: \_\_\_\_\_ (Room will have 2 double beds.)]
- I need a private double-occupancy room, but I'll be sharing with a guest. [I will pay additional cost, if any, per night]  
I will require:  1 king bed  2 double beds
- I do not need a room at the seminar.

Arrival date: \_\_\_\_\_  Smoker  Non-Smoker

Municipal Court of: \_\_\_\_\_ Email Address: \_\_\_\_\_  
Court Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_  
Office Telephone #: \_\_\_\_\_ Court #: \_\_\_\_\_ FAX: \_\_\_\_\_  
Primary City Served: \_\_\_\_\_ Other Cities Served: \_\_\_\_\_

**STATUS** (Check all that apply):

- |   |  |  |   |
|---|--|--|---|
| <input type="checkbox"/> Full Time                        | <input type="checkbox"/> Part Time                 | <input type="checkbox"/> Attorney                    | <input type="checkbox"/> Non-Attorney             |
| <input type="checkbox"/> Presiding Judge                  | <input type="checkbox"/> Associate/Alternate Judge | <input type="checkbox"/> Justice of the Peace        | <input type="checkbox"/> Mayor (ex officio Judge) |
| <input type="checkbox"/> Court Administrator              | <input type="checkbox"/> Court Clerk               | <input type="checkbox"/> Deputy Court Clerk          | <input type="checkbox"/> Other: _____             |
| <input type="checkbox"/> Bailiff/Warrant Officer/Marshal* | <input type="checkbox"/> Prosecutor                | <input type="checkbox"/> Licensed Court Interpreter* |   |

**\*Bailiffs/Warrant Officers/Marshals/Court Interpreters:** Municipal judge's signature required to attend Bailiff/Warrant Officer/Marshal/Court Interpreter programs.

Judge's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Municipal Court of: \_\_\_\_\_

I certify that I am currently serving as a municipal judge, prosecutor, or court support personnel in the State of Texas. I agree that I will be responsible for any costs incurred if I do not cancel five working days prior to the conference. I will first try to cancel by calling the TMCEC office in Austin. If I must cancel on the day before or day of the seminar due to an emergency, I will call the TMCEC registration desk at the conference site IF I have been unable to reach a staff member at the TMCEC office in Austin. If I do not attend the program, TMCEC reserves the right to invoice me or my city for meal expenses, course materials and, if applicable, housing (\$85 plus tax per night). I understand that I will be responsible for the housing expense if I do not cancel or use my room. If I have requested a room, I certify that I live at least 30 miles or 30 minutes driving time from the conference site. Participants in the Assessment Clinics must cancel in writing two weeks prior to the seminar to receive a refund. **Payment is due with the registration form.**

**Registration shall be confirmed only upon receipt of registration form and payment.**

\_\_\_\_\_  
Participant Signature (May only be signed by participant)

\_\_\_\_\_  
Date

**PAYMENT INFORMATION:**

- Check Enclosed (Make checks payable to TMCEC.)
- Credit Card (Complete the following. \$2.00 will be added for each payment made by credit card.)

Credit Card Payment: (Please indicate clearly if combining registration forms with a single payment.)

Credit Card Number

Expiration Date

Credit card type:

MasterCard

Visa

Name as it appears on card (print clearly): \_\_\_\_\_

\_\_\_\_\_  
Authorized Signature

Please return completed form with payment to TMCEC at 1609 Shoal Creek Boulevard, Suite 302, Austin, TX 78701, or fax to 512.435.6118.

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# Deadline for 2007 Texas Judicial System Annual Report

In order to capture your court's data for the *2007 Texas Judicial System Annual Report*, the Office of Court Administration (OCA) must receive your municipal court monthly activity reports for state fiscal year 2007 (September 1, 2006 through August 31, 2007) **by October 5, 2007**.

All municipal courts must submit a monthly court activity report to OCA, **even if the court has no activity for the month**.

The monthly court activity report collects information needed by the Legislature to make decisions regarding the jurisdiction, structure, and needs of the court system. The information is also used by many other entities or individuals: the Comptroller's Office, the Legislative Budget Board, the Department of Public Safety, local judges, city councils, local and state auditors, the media (especially local newspapers), the Texas Municipal Courts Education Center, research or special interest groups, universities (professors and students), attorneys, and members of the general public. Reports from September 1992 to the present are available to the public live on our website at <http://www.dm.courts.state.tx.us/oca/reportselection.aspx>.

Please call Sandra Mabbett, Judicial Information Specialist, at (512) 463-1640 if you need assistance with or have questions about the monthly reports.

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**TEXAS MUNICIPAL COURTS  
EDUCATION CENTER  
1609 SHOAL CREEK BLVD., SUITE 302  
AUSTIN, TX 78701  
[www.tmcec.com](http://www.tmcec.com)**

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## **TMCEC MISSION STATEMENT**

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

**Change Service Requested**