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| <ul style="list-style-type: none"> <input type="checkbox"/> a. The court must summon the corporation or association. The summons is in the same form as a <i>capias</i>. A certified copy of the complaint must accompany the summons. <input type="checkbox"/> b. The corporation or association has until 10:00 a.m. on the next Monday after the 20th day after service to answer. <input type="checkbox"/> c. Service must be by a peace officer on the registered agent or a high managerial agent. <input type="checkbox"/> d. No individual may be arrested upon a complaint filed against a corporation or association. | <p>Art. 17A.03 (a)(1-2), C.C.P
See <i>TMCEC 2024 Forms Book: Corporate Summons</i>.</p> |
| <ul style="list-style-type: none"> <input type="checkbox"/> 2. Appearance: <ul style="list-style-type: none"> <input type="checkbox"/> a. The corporation or association must appear through counsel. <ul style="list-style-type: none"> <input type="checkbox"/> (1) Appearance is for the purpose of entering a plea. <input type="checkbox"/> (2) Ten full days must elapse after the day of appearance before the corporation may be tried. <input type="checkbox"/> b. If a corporation or association does not appear in response to a summons, or appears but fails or refuses to plead: <ul style="list-style-type: none"> <input type="checkbox"/> (1) It is deemed to be present in person for all purposes; <input type="checkbox"/> (2) The court shall enter a plea of not guilty on its behalf; and | <p>Art. 17A.03 (a)(3), C.C.P.</p> <p>Arts. 17A.04 and 17A.05, C.C.P.</p> <p>Art. 17A.03(b), C.C.P.</p> <p>Arts. 17A.07(a) and 17A.06, C.C.P</p> <p>.</p> <p>Art. 17A.07(b), C.C.P.</p> |

- (3) The court may proceed with the trial, judgment, and sentencing.

- c. If, having appeared and entered a plea in response to summons, a corporation or association is absent without good cause at any time during later proceedings:
 - (1) It is deemed to be present in person for all purposes; and
 - (2) The court may proceed with trial, judgment, or sentencing.

- 3. Criminal responsibility:
 - a. If conduct constituting an offense is performed by an agent acting in behalf of a corporation, an association, a limited liability company, or another business entity and within the scope of the agent’s office or employment, the corporation, association, limited liability company, or other business entity is criminally responsible for an offense defined:
 - (1) In the Penal Code where corporations, associations, limited liability companies, and other business entities are made subject thereto;
 - (2) In other statutes where the legislative purpose to impose criminal responsibility on corporations, associations, limited liability companies, and other business entities plainly appears; or

This is the only instance in a criminal case where a defendant may be tried *in absentia*. Because a corporation or association cannot be taken into custody pursuant to Article 17A.03(b), C.C.P., it is presumed that such defendants cannot be charged with Failure to Appear (Sec. 38.10, P.C), which requires a showing that a person was lawfully released from custody.

Art. 17A.07(c), C.C.P.

Sec. 7.22, P.C.

Sec. 7.22(a)(1), P.C.

Sec. 7.22(a)(2), P.C.

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| <ul style="list-style-type: none"> <input type="checkbox"/> (3) In other statutes where strict liability is imposed, unless a legislative purpose not to impose criminal responsibility on corporations, associations, limited liability companies, or other business entities plainly appears. | <p>Sec. 7.22(a)(3), P.C.</p> |
| <ul style="list-style-type: none"> <input type="checkbox"/> b. It is an affirmative defense to prosecution of a corporation, an association, a limited liability company, or another business entity under Section 7.22(a)(1) or (a)(2) that the high managerial agent having supervisory responsibility over the subject matter of the offense employed due diligence to prevent its commission. | <p>Sec. 7.24, P.C.</p> |
| <ul style="list-style-type: none"> <input type="checkbox"/> 4. Punishments upon finding or plea of guilty: <ul style="list-style-type: none"> <input type="checkbox"/> a. Court may sentence the corporation, association, limited liability company, or other business entity to pay a fine in an amount fixed by the court, not to exceed the fine provided by the offense. <input type="checkbox"/> b. If an offense provides no specific penalty, the offense is classified as a Class C misdemeanor and the fine is not to exceed \$2,000. <input type="checkbox"/> c. In addition to any sentence, the court may order a corporation, an association, a limited liability company, or another business entity to give notice of the conviction to any person the court deems appropriate. <input type="checkbox"/> d. The clerk must notify the Attorney General's Office. <ul style="list-style-type: none"> <input type="checkbox"/> (1) If a defendant is a corporation, or a high managerial agent, notice is given when the conviction becomes final and unappealable. <input type="checkbox"/> (2) The notice of conviction of a corporation or high managerial agent shall include: | <p>Art. 17A.09, C.C.P.</p> <p>Sec. 12.51(a), P.C.</p> <p>Sec. 12.51(b), P.C.</p> <p>Sec. 12.51(d), P.C.</p> <p>Sec. 12.51(e), P.C.</p> <p>Art. 17A.09, C.C.P.</p> |

- (A) The corporation's name, the registered agent(s), and the address of the registered office, or the high managerial agent's name and address, or both.
 - (B) Certified copies of the judgment, sentence, and complaint on which the judgment and sentence were based.
 - e. The benefits of adult probation laws shall not be available to corporations or associations.
 - 5. Enforcement of judgment:
 - a. No individual may be arrested upon judgment or sentence entered against a corporation or association.
 - b. When the sentence against a defendant corporation or association is for fine and costs, it shall be discharged after:
 - (1) The amount has been fully paid;
 - (2) The execution has been fully satisfied; or
 - (3) The judgment has been satisfied in any other manner.
- Art. 17A.08, C.C.P.
This may be construed to include deferred disposition.
- Art. 17A.03(b), C.C.P.
- Sec. 43.01, C.C.P.
- A municipal judge may order the fine and costs collected by execution against the defendant's property in the same manner as in a civil suit. Art. 45.047/45A.263, C.C.P.