

# Justice of the Peace Courts

## Explanation of Case Categories

### CRIMINAL CASES

#### TRAFFIC MISDEMEANORS

This category includes cases relating to motor vehicle operation or ownership for which the maximum punishment does not involve confinement in jail or prison (i.e., class C misdemeanors).

**Non-Parking** cases involve violations of the provisions of Title 7, Transportation Code and related statutes that do not involve parking (e.g., speeding, passing a school bus, driving without a valid inspection sticker, driving with an expired or no driver's license).

**Parking** cases involve violations of Sections 545.301 through 545.304, Chapter 681 or Chapter 683, Transportation Code and related statutes concerning the improper stopping, standing, or parking of a vehicle (e.g., parking in an intersection, parking within 15 feet of a fire hydrant, parking where an official sign prohibits parking).

**County Ordinance** cases involve violations of traffic or parking-related ordinances enacted by the county (e.g., vehicle weight limitations set by the county pursuant to Transportation Code, Sec. 621.301).

#### NON-TRAFFIC MISDEMEANORS

This category includes cases not involving traffic or parking violations for which the maximum punishment does not involve confinement in jail or prison.

**Penal Code** cases involve laws enacted by the Texas Legislature that are set out in the Penal Code (e.g., disorderly conduct, public intoxication, theft of property valued at less than \$50).

**Other State Law** cases involve laws enacted by the Texas Legislature that are set out in statutes other than the Penal Code (e.g., Alcoholic Beverage Code, Education Code, Health and Safety Code, Occupations Code, Parks and Wildlife Code, etc.).

**County Ordinance** cases involving ordinances enacted by the county (e.g., building codes, zoning, sanitation, and animal ordinances).

### CIVIL CASES

#### DEBT CLAIM

Cases filed on or after September 1, 2013 to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any. Debt claim cases in justice court are governed by Rules 500-507 and 508 of Part V of the Rules of Civil Procedure.

#### LANDLORD/TENANT

Includes:

**Eviction.** All suits for eviction (recovery of possession of premises) brought to recover possession of real property under Chapter 24 of the Texas Property Code, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any. Eviction cases filed on or after September 1, 2013 are governed by Rules 500-507 and 510 of Part V of the Rules of Civil Procedure.

**Repair and Remedy.** A case by a residential tenant under Chapter 92, Subchapter B, of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. Repair and remedy cases filed on or after September 1, 2013 are governed by Rules 500-507 and 509 of Part V of the Rules of Civil Procedure.

#### SMALL CLAIMS SUITS

Includes:

**Small Claims Suits (filed on or after September 1, 2013).** Cases filed for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim cannot exceed \$10,000, excluding statutory interest and court costs but including attorney fees, if any. Small claims cases are governed by

Rules 500-507 of Part V of the Rules of Civil Procedure.

For reporting purposes, this “catch all” category also includes occupational licenses, writs of re-entry, tax cases, tax warrants, dangerous dog cases (in which no criminal charges have been filed), tow hearings, habitual toll violator hearings, junk vehicle, deed restriction cases, and bond forfeiture (*nisi*) proceedings conducted pursuant to Article 22.02 of the Code of Criminal Procedure. *Property hearings are not included, as they are statutorily defined as a magistrate duty (Art. 47.01-47.02, Code of Criminal Procedure).*

**Small Claims Suits (filed prior to September 1, 2013).** Suits filed for the recovery of money (damages or debt up to \$10,000) brought to the justice of the peace as judge of the Small Claims Court in accordance with Chapter 28 of the Government Code.

**Other Civil Suits (filed prior to September 1, 2013).** All other suits filed that were within the civil jurisdiction of the justice court, including those for recovery of money (damages or debt up to \$10,000) and for foreclosure of mortgages and enforcement of liens on personal property in cases in which the amount in controversy was otherwise within the justice court’s jurisdiction as provided by Section 27.031 of the Government Code.