

**OFFICE OF COURT ADMINISTRATION
TEXAS JUDICIAL COUNCIL**



**OFFICIAL MUNICIPAL COURT
MONTHLY REPORT INSTRUCTIONS**

INDEX TO INSTRUCTIONS

LEGAL REQUIREMENTS 1

GENERAL INSTRUCTIONS..... 1

COVER PAGE..... 1

CASELOAD REPORTING 2

CASE-TYPE CATEGORIES..... 2

REPORTING ITEMS 2

 New Cases Filed During the Month 3

 Dispositions Prior to Trial..... 3

 Dispositions at Trial 3

 Cases Dismissed..... 4

 Community Service Ordered 5

 Cases Appealed 5

 Juvenile / Minor Activity 5

 Parent Contributing to Nonattendance Cases Filed..... 7

 Safety Responsibility and Driver's License

 Suspension Hearings Held..... 7

 Search Warrants Issued 7

 Arrest Warrants Issued 7

 Magistrate Warnings Given..... 8

 Emergency Mental Health Hearings Held 8

 Magistrate's Orders for Emergency Protection..... 8

 Total Revenue 8

**OFFICE OF COURT ADMINISTRATION
P O Box 12066
AUSTIN, TEXAS 78711-2066
512/463-1625
512/463-1648 fax**

LEGAL REQUIREMENTS

Section 71.035(b) of the Texas Government Code requires each judge, clerk, or other court official to report information pertaining to the civil and criminal business transacted by the municipal court(s) as required by the Texas Judicial Council.

The Official Municipal Court Monthly Report form is to be used to report the activity of the municipal court during each one-month period.

NOTE: Reports generated from a case management system should be an **exact replica** of the monthly report form—*i.e., all categories should follow the order on the monthly report, no categories should be added or omitted, and no data should appear in areas that are shaded on the form.*

Sections 171.1 and 171.2 of the Texas Administrative Code require submission of court activity reports each month to the Texas Judicial Council by **no later than 20 days after the end of the month for which statistics are reported.**

IMPORTANCE OF REPORTING

The monthly report is not designed to report everything that a court does nor everything that requires the attention or time of the judge. It is also not designed to reflect all of the clerk's responsibilities or to provide the basis for a complete case management system. Instead, the monthly report is designed to provide information required by law or needed by the judicial, legislative, and executive branches of government to make decisions regarding the jurisdiction, structure, and needs of the court system.

GENERAL INSTRUCTIONS

You must submit a report each month, even if your court had no activity. If your court had no activity for the month, you may indicate this by writing a large zero, "X," or "No Activity" across the statistical part of the form.

Please complete all sections of the report that are relevant to your court. A blank will be interpreted as a zero.

Include only that activity that occurred during the month for which you are submitting a report. If you need to make changes to the information for a previous month, you must file an amended report. You should never adjust the current month's figures in an attempt to "fix" the information for previous months.

Lines 1 through 14 of the report are used to report the **numbers** of specific types of court activity, **not dollar amounts**; only Line 15 is used to report **revenue** in **dollar amounts**.

COVER PAGE

On the front page, please complete the appropriate blanks identifying the **month** and **year** for the data being reported; the name of your court; the names of the presiding judge and court clerk; the court's mailing address, fax number, email address, and website address (if available); and the name of the person that prepared the report, as well as his or her telephone number. (If appropriate, please provide a second phone number where that person can be reached during business hours.)

COURT CASELOAD

The top portion of the monthly report form is designed to collect information concerning the overall volume of filings and dispositions in each municipal court (Lines 1 through 4). It also captures information on community service ordered and the number of appeals filed (Lines 5 and 6).

This section is divided into four case categories: non-parking traffic violations, parking violations, state law violations, and city ordinance violations.

TRAFFIC MISDEMEANORS

Cases relating to motor vehicle operation or ownership for which the maximum punishment does not involve confinement in jail or prison.

Non-Parking. Cases 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). *NOTE: Do not include Violations of Promise to Appear here.*

Parking. Cases involving 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).

NON-TRAFFIC MISDEMEANORS

Cases that are not involving traffic violations for which the maximum punishment does not involve confinement in jail or prison.

State Law. Cases involving laws enacted by the Texas Legislature that are set out in the Texas Penal Code or other Texas Statutes (e.g., disorderly conduct, public intoxication, theft of property valued at less than \$50). *NOTE: Include Violation of Promise to Appear and Failure to Appear cases here.*

City Ordinance. Cases involving ordinances enacted by municipalities (e.g., building codes, zoning laws, dog ordinances). Ordinance violations involving litter, fire safety, zoning, public health, and sanitation are punishable by fines only, up to a maximum of \$2,000. Punishment for violation of other types of city ordinances is limited to fines only, not to exceed \$500.

NOTES:

- Report only those cases over which the court exercises jurisdiction.
 - Include all juvenile cases also reported in Lines 7A through K, as well as parent contributing to nonattendance cases reported in Line 8.
 - Since the report captures only criminal activity, civil matters over which the court has jurisdiction (such as dangerous dog cases and tow hearings) should not be included.
 - Matters handled by the judge as a magistrate (e.g., emergency protective orders, administration of warnings to adults or juveniles, search warrants, arrest warrants, property hearings) must not be included in this section.
- Report only 1 disposition per case.
- Report dispositions when the judge signs the final judgment.

Line 1. NEW CASES FILED

Enter the number of cases **filed** during the month.

NOTES:

- Do **not** report cases that were filed in previous months. To report cases filed in previous months, you must file an amended report for the month in which these cases were filed.

Line 2. DISPOSITIONS PRIOR TO TRIAL

A. Bond Forfeitures

Enter the number of cases in which a final judgment was entered on the forfeiture of a bond to ensure appearance. See Article 45.044 or Article 22.02, Texas Code of Criminal Procedure.

Note: Under Article 22.02, a *judgment nisi* declaring a forfeiture of a bond is not a final judgment, as the case must be put on a *scire facias* or civil docket to allow the sureties to contest the bond forfeiture before a final judgment is entered. Also, under Ch. 22, Texas Code of Criminal Procedure, the underlying criminal case is not affected.

NOTE: *When a bond forfeiture is entered on line 2A, do not count again as a fine paid on line 2B.*

B. Fined

Enter the number of cases that were disposed by payment of fine **without going before the judge**. Include payments submitted by mail, by electronic means, or in person.

NOTE: *If the defendant appears in person before the judge and pleads guilty or nolo contendere, report the disposition on Line 3A, even if no trial otherwise occurred. Only when the defendant or the defendant's attorney physically appears before the judge is a defendant considered to have made an appearance before the judge.*

C. Cases Dismissed

Enter the number of cases that were dismissed pursuant to a motion by a prosecutor before trial. Cases dismissed at trial should be reported on Line 3C.

NOTE: *Do not include dismissals after completion of a driving safety course, after deferred disposition, or after proof of financial responsibility; report these cases on Line 4.*

Line 3. DISPOSITIONS AT TRIAL

A. Trial by Judge

Enter the number of cases disposed in which the defendant **appeared before a judge**. Include appearances before a judge where the defendant pleaded guilty or nolo contendere, as well as trials

before a judge in which a **final judgment was rendered**. However, do **not** include appearances requesting continuances.

(1) **Finding of Guilty**

Enter the number of cases in which a **finding of guilty** was made. Include trials **and pleas of guilty or nolo contendere** before a judge.

(2) **Finding of Not Guilty**

Enter the number of cases in which a **finding of not guilty** was made.

B. Trial by Jury

Report the number of cases disposed in which the defendant had a **jury trial**.

(1) **Finding of Guilty**

Enter the number of cases in which a **finding of guilty** was made.

(2) **Finding of Not Guilty**

Enter the number of cases in which a **finding of not guilty** was made.

C. Cases Dismissed at Trial

Report all cases dismissed at or after trial that are **not** otherwise reported as dismissed on this form.

Line 4. CASES DISMISSED

Report only those cases disposed by one of the four types of dismissals below. Report all other dismissals on Line 2C or Line 3C.

A. After Driving Safety Course

Enter the number of cases that were dismissed because the defendant completed a driving safety course or motorcycle operator training and safety course as provided by Texas Code of Criminal Procedure, Article 45.0511.

***NOTE:** Do not report a case as dismissed until the course has been taken and the charge is dismissed.*

B. After Deferred Disposition

Enter the number of cases that were dismissed during the month covered by this report because the defendant successfully completed a deferred sentence as provided by Texas Code of Criminal Procedure, Article 45.051.

***NOTE:** Do not report a case as dismissed until the probation is satisfied and the charge is dismissed.*

C. After Proof of Financial Responsibility

Enter the number of cases that were dismissed during the month covered by this report because the defendant produced evidence of financial responsibility as provided by Texas Transportation Code, Section 601.193.

D. Compliance Dismissal

Enter the number of cases that were dismissed involving a charge of driving with an **expired inspection certificate**, driving a vehicle with an **expired driver's license**, or driving a vehicle with an **expired motor vehicle registration**.

Line 5. COMMUNITY SERVICE ORDERED

Enter the number of cases in which community service was ordered to **discharge a fine or costs** as provided by Texas Code of Criminal Procedure, Article 45.049. **Do not include cases in which community service is mandatory for the offense and ordered as part of the sentence** (e.g., alcohol and tobacco related offenses).

Line 6. CASES APPEALED

Enter the number of cases for which an appeal from the final judgment of the court was filed.

ADDITIONAL COURT ACTIVITY

The lower portion of the monthly report form is designed to collect information: 1) required by the Texas Legislature (Section 71.0352, Texas Government Code); 2) reflecting the activity of municipal judges acting in the capacity of a magistrate; or 3) identified by the Texas Judicial Council as additional information that is important to collect from municipal courts.

Line 7. JUVENILE / MINOR ACTIVITY

NOTE: Activity reported in Lines 7A through 7K should also be reported, where appropriate, in Lines 1 through 6.

A. Transportation Code Cases Filed

Enter the number of cases filed in which the minor (under 17 years of age) was charged with an offense listed under Texas Transportation Code, Section 729.001.

B. Non-Driving Alcoholic Beverage Code Cases Filed

Enter the number of cases filed in which a minor (under 21 years of age) was charged with an offense under the Texas Alcoholic Beverage Code that **did not** involve driving (e.g., Sec. 106.02, Purchase of Alcohol by a Minor; Sec. 106.025, Attempt to Purchase Alcohol by a Minor; Sec.

106.04, Consumption of Alcohol by a Minor; Sec. 106.05, Possession of Alcohol by a Minor; Sec. 106.07, Misrepresentation of Age by a Minor).

C. Driving Under the Influence of Alcohol Cases Filed

Enter the number of cases filed in which a minor (under 21 years of age) was charged with an offense under Texas Alcohol and Beverage Code, Section 106.041, Driving Under the Influence of Alcohol by a Minor.

D. Health and Safety Code (Tobacco) Cases Filed

Enter the number of cases filed in which a minor (under 18 years of age) was charged with an offense under Texas Health and Safety Code, Section 161.252, Possession, Purchase, Consumption or Receipt of Cigarettes or Tobacco Products by Minors Prohibited. This includes the offense of displaying false proof of age in order to obtain possession of, purchase, or receive a cigarette or tobacco product.

E. Failure to Attend School Cases Filed

Enter the number of cases filed for failure to attend school offenses under Section 25.094, Texas Education Code.

F. Education Code Cases Filed (Except Failure to Attend)

Enter the number of cases filed in which the child was charged with an offense provided in the Texas Education Code **other** than Sec. 25.094, Failure to Attend. Examples of other offenses under the Education Code are Sec. 37.102, Rules (Enacted by School Board); Sec. 37.107, Trespass on School Grounds; Sec. 37.122, Possession of Intoxicants on Public School Grounds; Sec. 37.124, Disruption of Classes; Sec. 37.126, Disruption of Transportation.

G. Violation of Local Daytime Curfew Ordinance Cases Filed

Enter the number of cases in which a person under 17 years of age was charged with violation of a local daytime curfew ordinance adopted under Section 341.905 or Section 351.903, Texas Local Government Code.

Note: Only cases involving violation of a "daytime" curfew should be reported; cases involving violations of a nighttime curfew should not be reported here.

H. All Other Non-Traffic, Fine-Only Cases Filed

Enter the number of cases in which a person under 17 years of age was charged with a non-traffic offense punishable only by a fine that does not fall within any of the other categories above (Lines 7A through 7G).

I. Waiver of Jurisdiction of Non-Traffic Cases

Enter the number of cases in which the court waived its original jurisdiction and referred a person under 17 years of age to juvenile court pursuant to Section 51.08(b), Texas Family Code.

J. Referrals to Juvenile Court for Failure to Obey Court Order

Enter the number of times the court refers a person under 17 years of age to juvenile court for delinquent conduct because the child failed to obey an order of the court under circumstances that would constitute contempt of court. See Article 45.050(c)(1), Texas Code of Criminal Procedure and Section 51.03(a)(2), Texas Family Code.

K. Child Held in Contempt, Fined, or Denied Driving Privileges

Enter the number of times the court holds a child in contempt, fines a child, or denies the child driving privileges because the child failed to obey an order of the court under circumstances that would constitute contempt of court. See Article 45.050(c)(2), Texas Code of Criminal Procedure.

Magistrate Warnings Given to Juveniles

L. Warnings Administered

Enter the number of times the judge, as magistrate, gave juveniles charged with Juvenile Justice Code (Title 3, Texas Family Code) violations official explanations of their right to counsel, right to remain silent, etc. If at the same time the judge also took the juvenile's statement or confession, report this on Line M.

M. Statements Certified

Enter the number of juvenile statements certified by the judge as required by Section 51.095(a)(1)(D), Family Code.

Line 8. PARENT CONTRIBUTING TO NONATTENDANCE CASES FILED

Enter the number of cases in which the parent of a child was charged with contributing to nonattendance of school under Section 25.093, Texas Education Code.

Line 9. SAFETY RESPONSIBILITY AND DRIVER'S LICENSE SUSPENSION HEARINGS HELD

Enter the number of hearings held by the judge during the month to determine whether or not a person's driver's license should be suspended.

Line 10. SEARCH WARRANTS ISSUED

Enter the number of search warrants the judge, as a **magistrate**, issued during the month that allowed law enforcement officers to search a particular premises or person.

Line 11. ARREST WARRANTS ISSUED

A. Class C Misdemeanors Only

Enter the number of arrest warrants issued by the court during the month in Class C misdemeanor cases only.

B. Felonies and Class A and B Misdemeanors Only

Enter the number of arrest warrants issued by the court during the month in all cases involving a felony or a Class A or B misdemeanor.

NOTE: Enter search warrants on Line 10 of this report.

Line 12. MAGISTRATE WARNINGS GIVEN

Enter the number of times during the month that the judge, as a magistrate, gave adult defendants charged with county or district court offenses official explanations of their right to counsel, right to remain silent, etc., as provided by Article 15.17, Texas Code of Criminal Procedure for the following offenses:

A. Class A and B Misdemeanors Only

B. Felonies

Line 13. EMERGENCY MENTAL HEALTH HEARINGS HELD

Enter the number of hearings for emergency mental commitments the judge held during the month as provided by Section 573.012, Texas Health and Safety Code.

Line 14. MAGISTRATE'S ORDERS FOR EMERGENCY PROTECTION

Enter the number of emergency protection orders issued by the judge, as a magistrate, under Article 17.292, Texas Code of Criminal Procedure.

Line 15. TOTAL REVENUE

Enter the total amount of money collected by the court during the month. Include fines, fees, court costs, fees for copies, and forfeited bonds. This amount reflects the money collected both for the city and the state.

Do not include amounts retained by a collections agency for service fees.¹

Omnibase fees should be included in the total revenue figure, as the Omnibase program is contract with the Department of Public Safety to provide information necessary for the department to deny renewal of drivers' licenses.²

Note: If revenue is shown on Line 15, then **Fined** (Line 2B) and/or **Findings of Guilty** (Line 3A or 3B) must be shown as dispositions under the appropriate case-type category. *The only exception is where amounts owed (i.e., fines, fees, and/or court costs) are paid in installments in the month(s) following disposition. In these cases, no subsequent disposition on Lines 2B, 3A, or 3B is indicated; however, the revenue is still reported on Line 15.*

¹ Fees authorized by Article 103.0031, Texas Code of Criminal Procedure.

² Authorized by Chapter 706, Texas Transportation Code.

APPENDIX
TEXAS PENAL CODE CLASS C MISDEMEANOR CRIMES

<u>Description</u>	<u>Penalty</u>	<u>Penal Code</u>
Abuse of Official Capacity	F1, F2, F3, SJF, A, B, C	39.02
Aiding Suicide	SJF, C	22.08
Assault	F3, A, B, C	22.01
Bail Jumping and Failure to Appear	F3, A, C	38.10
Credit Card Transaction Record Laundering	F1, F2, F3, SJF, A, B, C	32.35
Criminal Mischief	F1, F2, F3, SJF, A, B, C	28.03
Criminal Trespass	A, B, C	30.05
Deceptive Business Practices	A, C	32.42
Deceptive Preparation and Marketing of Academic Product	C	32.50
Disorderly Conduct	B, C	42.01
Dog Fighting	SJF, A, C	42.10
Failure to Identify	A, B, C	38.02
False Report Regarding Missing Child or Missing Person	C	37.081
False Statement to Obtain Property or Credit	F1, F2, F3, SJF, A, B, C	32.32
Gambling	C	47.02
Hindering Secured Creditors	F1, F2, F3, SJF, A, B, C	32.33
Illegal Divulgence of Public Communications	SJF, A, C	16.05
Illegal Recruitment of an Athlete	F1, F2, F3, SJF, A, B, C	32.441
Insurance Fraud	F1, F2, F3, SJF, A, B, C	35.02
Interference with Police Service Animals	F3, SJF, A, B, C	38.151
Interference with Railroad Property	F1, F2, F3, SJF, A, B, C	28.07
Issuance of Bad Check	B, C	32.41
Leaving a Child in a Vehicle	C	22.10
Making a Firearm Accessible to a Child	A, C	46.13
Misapplication of Fiduciary Property or Property of Financial Institution	F1, F2, F3, SJF, A, B, C	32.45
Misuse of Official Information	F3, C	39.06
Obscene Display or Distribution	C	43.22

Possession of Alcoholic Beverage in Motor Vehicle	C	49.031
Preventing Execution or Civil Process	C	38.16
Public Intoxication	C	49.02
Reckless Damage or Destruction	C	28.04
Securing Execution of Document by Deception	F1, F2, F3, SJF, A, B, C	32.46
Smoking Tobacco in Unauthorized Place	C	48.01
Theft	F1, F2, F3, SJF, A, B, C	31.03
Theft of or Tampering with Multichannel Video or Information Services	A, B, C	31.12
Theft of Service	F1, F2, F3, SJF, A, B, C	31.04
Trademark Counterfeiting	F1, F2, F3, SJF, A, B, C	32.23
Use of Laser Pointers	C	42.13