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## User Notes

This deskbook on *Fines, Fees, and Costs* (3<sup>rd</sup> ed. November 2021) represents the Texas Justice Court Training Center's ongoing commitment to provide resources, information, and assistance on issues of importance to Texas Justices of the Peace and Constables and their court personnel, and continues a long tradition of support for judicial education in the State of Texas by the Justices of the Peace and Constables Association of Texas, Inc. We hope you will find it to be a valuable resource in providing fair and impartial justice to the citizens of Texas.

This deskbook is intended to offer a practical and readily accessible source of information relating to charging and collecting money in justice court. It is not intended to replace original sources of authority, such as the Code of Criminal Procedure or the Government Code. We strongly recommend that you refer to the applicable statutory provisions and rules when reviewing issues discussed in this book.

Please note that all references to "Rule \_\_" are references to the Texas Rules of Civil Procedure.

Rather than including the citations to cases in the text of the deskbook, we have listed only the case name in the text but have included the entire citation in the appendix of cases.

Please do not hesitate to contact us should you have any questions or comments concerning any of the matters discussed in *Fines, Fees, and Costs*.

Texas Justice Court Training Center  
November 2021

## Chapter 1: What are Fines, Fees, and Costs?

This volume will cover the various types of payments that justice courts are authorized to receive, and proper disposition of money taken in. For information on other types of payments, such as interpreter fees or attorney's fees, please see the *Officeholding, Civil, and Criminal Deskbooks*, as appropriate.

It is important that justice court judges and clerks understand where the authority to collect money comes from and ensure that the money ends up in the correct "bucket."



*If you have any questions about how money should flow through your county's system, we recommend consulting your county attorney, auditor, and treasurer.*

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These terms are often (incorrectly) used interchangeably, so here is a brief definition of each of the monetary items discussed in this deskbook:

- **Fines** are monetary penalties imposed on someone who is convicted of a criminal offense or is held in contempt. The chief goal is to punish the person. Fines remain with the county in most cases. [See page 11](#) for a discussion of fines that do not remain with the county.
- **Reimbursement fees** are charges designed to cover the amount of specific administrative expenses in processing criminal cases. The idea is that a reimbursement fee is what a party is being charged for a service performed in a specific case, such as an expunction of records, or execution of a warrant. Reimbursement fees remain with the county or agency that incurs the expense.
- **Court costs** are charges collected to pay the cost of the general judicial system. Some court costs are sent to the state, while others remain with the county. For more information, see [Chapter 2](#) and [Chapter 3](#) of this volume.

**Note** that the charts and information in this volume apply **only** to cases and proceedings in justice courts. *This information may not be applicable to other levels of cases or in other courts.*

## Chapter 2: Criminal Cases

Criminal cases frequently result in the court collecting money from the defendant at some point. If the defendant is convicted, there will be a fine and court costs assessed. Even if the case is dismissed, the defendant will sometimes have to pay court costs plus either a **fine (on a deferred disposition)** or a **reimbursement fee (on a compliance dismissal, or to expunge records)**.



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One of the most critical responsibilities of judges and court staff is to ensure that the rights of indigent criminal defendants are protected. Specific duties include:

- Informing defendants of alternatives to payment of fines and court costs.
- Making sure collection letters or notices sent on behalf of the court comply with the law.
- Holding hearings after pleas in open court, after conviction at trial, or upon request at any other time, to determine if a defendant is unable to immediately pay all or part of the fine and/or court costs.
- Issuing proper show-cause notices when a defendant fails to satisfy a judgment before issuing a *capias pro fine*.
- Understanding proper *capias pro fine* and commitment order procedures.

### *Important Note*

SB 346, passed by the Texas Legislature in 2019 and taking effect January 1, 2020, enacted sweeping changes to the fines, fees, and costs landscape.

*The information in this chapter for court costs in criminal cases applies to offenses that occur on or after January 1, 2020.*

In some scenarios (such as application of the Time Payment Reimbursement Fee), the new law is followed regardless of the offense date. These scenarios will be noted in the deskbook.

For specific information on court costs in cases *where the offense date is prior to January 1, 2020*, please see [page 54](#).



For more on these protections, please see the *Criminal Deskbook*, particularly Chapters 3 and 8.

## A. Fines in Criminal Cases

As discussed above, fines are designed to punish, or penalize, the defendant for conduct which has been designated as a criminal offense. The Court of Criminal Appeals has described fines as “clearly punitive in nature.” [Weir v. State](#). For this reason, a fine is generally only assessed when there is a **conviction** for the offense. A conviction for the purpose of assessing a fine must be either based on:

- A plea of guilty;
- A plea of nolo contendere (no contest); **or**
- The State of Texas proving the defendant guilty beyond a reasonable doubt at trial.

For purposes of assessing fines and costs, “conviction” includes an order of deferred disposition, DSC, or other deferral. *Code of Criminal Procedure Art. 101.004*.

Many counties have “courtesy sheets” that peace officers pass out which communicate to the defendant how much money the court would accept as payment in full if the defendant wants to dispose of the case without a court appearance. See Chapter 4 of the *Criminal Deskbook* for more information on this process. Courtesy sheets are not binding in a case where the defendant appears instead of mailing in payment. In those cases, the judge has discretion to set the fine amount anywhere within the legal limit.



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The amount of the fine in any case is determined by the judge but must be within the fine range provided by statute for the offense. Often, courts incorrectly call the total amount due from the defendant “the fine” even though it is actually composed of *the fine plus court costs*. Eliminating this habit is very helpful in making sure fines are within legal limits and money is properly reported.

## 1. Fine Ranges for Common Offenses

Often the criminal jurisdiction of justice court is described as “**Class C misdemeanors.**” However, Class C misdemeanors are only part of the justice court jurisdiction. A Class C misdemeanor is a specific type of misdemeanor, defined by the Penal Code as having a **fine range of \$1-500, with no possibility of jail time.** *Penal Code § 12.23.*



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Many other offenses are misdemeanors that also do not carry the possibility of jail, **but** have a different fine range, so they are technically **not** Class C misdemeanors. One very common example is speeding, which has a fine range of up to \$200. *Transportation Code § 542.401.* The catch-all term for offenses that do not carry the possibility of jail time is “**fine-only misdemeanors.**”



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Justice courts have jurisdiction over all fine-only misdemeanors, not just Class C misdemeanors.

For a chart of common justice court offenses that carry a fine range *other than \$1-500*, please see [page 60](#).

### Fines in Work Zones with Workers Present

Transportation Code § 542.404 provides that the minimum and maximum fines for a Rules of the Road violation other than inspection offenses, pedestrian offenses, and seat belt or child safety seat system offenses are doubled if the offense occurs in a work zone with workers present. See Transportation Code § 472.022 for a definition of work zone.

## 2. Fines in Deferred Disposition and Driving Safety Course Cases

A fine is **not assessed** in a “mandatory” Driving Safety Course (“DSC”) case unless the defendant fails to successfully complete the DSC dismissal process (for example, failing to turn in their certificate) and is convicted after a show cause hearing. However, a court **may** assess a fine when placing a defendant on deferred disposition or on “discretionary” DSC. This “initial fine” must follow all of the restrictions that the “special expense fee” or “administrative fee” had to follow previously. *See Chapter 5 of the Criminal Deskbook.*



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[See page 19](#) of this volume for more information on money collected in DSC cases.



### Money Collected in Deferred Disposition Cases

When a defendant is placed on deferred disposition, the court **must** assess all court costs and mandatory fines that apply to the offense, in addition to the optional “initial fine” described above. Please [see page 14](#) for more information on court costs and mandatory fines. These costs are based on the date of the offense, so you must use the costs in Part A of the Appendix instead if the offense date is before January 1, 2020!

If the defendant fails to successfully complete the deferral, and is convicted following a show cause hearing, an additional fine may be assessed. The defendant must receive credit toward this additional fine for any “initial fine” amount they have already paid. *Code of Criminal Procedure Art. 45.051(a)*.

**Note** that the defendant only pays the court costs and mandatory fines once in a specific case, they would not have to pay them again if convicted after a show cause hearing.

### For Example

A defendant is placed on deferred disposition for a speeding offense that occurred after January 1, 2020. The court costs (plus State Traffic Fine and Local Traffic Fine) are \$129 for speeding. Additionally, the court may impose an “initial fine” of \$0 – \$200. Let’s say the court imposes an “initial fine” of \$100. The defendant pays \$229.

But suppose the court convicts the defendant of the offense at a show cause hearing, because the defendant failed to comply with the terms of the deferral. On conviction, the court elects to assess a fine of \$150. The defendant would now owe \$50, because the previously paid “initial fine” of \$100 (but **not** the paid court costs of \$129) gets credited toward this fine.

This means that the “initial fine” and additional fine together may never result in more money being collected from the defendant than the maximum fine allowed under law for that specific offense.

For an illustrated breakdown of this example, please see the chart on the next page.

<b>Fines and Court Costs Assessed Upon Order of Deferred Disposition for Rules of the Road Offense in the Above Example</b>	
State Consolidated Court Cost	\$62
Local Consolidated Court Cost	\$14
State Traffic Fine	\$50
<b>Total Court Costs and Mandatory Fines:</b>	<b>\$129</b>
"Initial Fine"	\$100
<b>Total Due:</b>	<b>\$229</b>
<b><i>Defendant Pays \$229 total:</i></b>	
Court Costs and Mandatory Fines	-\$129
"Initial Fine"	-\$100
<b><i>Defendant Owes</i></b>	<b>\$0</b>
<b>Fines and Court Costs Assessed Upon Conviction – Above Example (Defendant Failed to Comply with the Terms of Deferred Disposition)</b>	
Fine Assessed Upon Conviction	\$150
Credit for "Initial Fine"	-\$100
<b><i>Defendant Owes</i></b>	<b>\$50</b>



**What if the Defendant Can't Pay the Deferred Disposition Fine and Costs Up Front?**

The law explicitly allows the judge to place the defendant on a payment plan, allow community service or tutoring to dispose of the amount due, or partially or completely waive payment of the costs and "initial fine." *Code of Criminal Procedure Art. 45.051(a-1).*

### 3. Rules of the Road and Child Safety Fund Fines



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When assessing the below fines, a conviction **does** include placement on deferred disposition or Driving Safety Course dismissal, even if the defendant successfully completes the deferral or DSC.

**Details on these fines, including disposition of money collected, can be found in the court costs and mandatory fines index on [page 14](#) of this volume.**

#### **State Traffic Fine and Local Traffic Fine**

When a defendant is convicted of a Rules of the Road offense, two fines **must** be imposed. These fines are the \$50 State Traffic Fine under Transportation Code § 542.4031 and the additional \$3 fine under Transportation Code § 542.403, which will be referred to in this volume as the **Local Traffic Fine**.

#### **Child Safety Fund Fine – Rules of the Road Offense in School Zone in a Municipality**

Additionally, anyone convicted of a Rules of the Road offense that occurred in a school crossing zone in a municipality must pay an additional \$25 fine. *Code of Criminal Procedure Art. 102.014(c); Transportation Code § 541.302.*

#### **Child Safety Fund Fine – Passing a School Bus in a Municipality**

A defendant convicted of an offense of passing a school bus while loading or unloading children under Transportation Code § 545.066 must pay an additional \$25 fine if the offense occurred in a municipality. *Code of Criminal Procedure Art. 102.014(c).*

#### **Child Safety Fund Fine – Parent Contributing to Nonattendance**

A defendant convicted of parent contributing to nonattendance under Education Code § 25.093 must pay an additional \$20 fine. *Code of Criminal Procedure Art. 102.014(d).*



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Be aware that the above fines **do not** count against the maximum legal fine. For example, if someone is convicted of speeding, the actual court costs assessed would be \$76, the State Traffic Fine is \$50, **and** the additional Rules of the Road fine is \$3. On top of that \$129, the court can assess a fine of up to \$200, for a maximum total of \$329. Or, if someone is convicted of a first offense of parent contributing to nonattendance, the

actual court costs would be \$76, and the Child Safety Fund Fine would be \$20. On top of that \$96, the court can assess a fine of up to \$100, for a maximum total of \$196.

Most courts lump the above fines into the “court costs” amount, even though they are technically fines. There are several reasons for this. Prior to January 1, 2020, all of these fines (other than the State Traffic Fine) were classified as court costs. Also, the amounts of these fines are set by law and are not up to the discretion of the court, and these fines don’t count against the maximum fine that the court may assess.



**However, these fines must be treated as fines for purposes of waiver and for application of partial payments. [See page 33](#) for information on waiver and partial payments.**

#### **4. Collection and Disposition of Fines**

Fines collected should, with a few exceptions listed below, be sent to the county treasurer. Counties generally have discretion as to how to spend the money collected via fines.

However, fines collected for “**violations of highway laws**” must be used to:

- construct and maintain roads, bridges, and culverts in the municipality or county;
- enforce laws regulating the use of highways by motor vehicles; **and**
- defray the expense of county traffic officers.

*Transportation Code § 542.402(a).*

#### **Disposition of Highway Law Violation Fines in Counties with Population Under 5,000**

The commissioners court in a county with a population under 5,000 may issue a resolution to spend this fine revenue on items other than those listed above. However, those counties are capped as to how much revenue they can collect through traffic fines. Once they have collected fines in an amount equaling 30% of the county’s total revenue from all sources in the previous year, all further fines and special expense fees greater than \$1 must be sent to the comptroller. *Transportation Code § 542.202(b-1), (b-2).*



This law is to give smaller counties more freedom in spending the revenue, while also not allowing a county to simply be a “speed trap town” where their entire budget is based on traffic violations.

## 5. Fines That Are Not Sent to the County Treasurer

### Parks and Wildlife Offenses

A justice of the peace, a clerk of any court, or any other officer of this state receiving any fine imposed by a court for a violation of the Parks and Wildlife Code must send a percentage of the fine to the Parks and Wildlife Department within 10 days after receipt. Along with the money, the court must send a notice with the docket number of the case, the name of the person fined, and the section or article of the law under which the conviction was secured.

Generally, the court must send **85%** of the fine collected to the Parks and Wildlife Department. *Parks and Wildlife Code § 12.107*. In Parks and Wildlife cases filed as the result of an arrest by a marine safety enforcement officer **other than a game warden**, the amount to be remitted to the game, fish, and water safety account instead is **60%** of the fine. *Parks and Wildlife Code § 31.128*.

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## What is a Highway Law?

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That specific term isn’t defined in the Transportation Code. It is important to remember that the definition of a “highway” in the Transportation Code is different than what the general public thinks of as a highway. A highway is a “publicly maintained way any part of which is open to the public for vehicular travel.” *Transportation Code § 541.302(5)*. That means anything that is a public road or street is a “highway.” So, a “highway law” is any law governing behavior while driving on a public street or road.

## Weight Offenses

For an offense under Section 621.506 of the Transportation Code involving a vehicle having a single axle weight, tandem axle weight, or gross weight that is more than 5,000 pounds heavier than the allowable weight, the clerk shall send an amount equal to 50 percent of the fine to the comptroller in the quarterly report and remission [\(described on page 13 of this volume\)](#). The county may retain **10%** of the fines as a service fee if the quarterly report and remission are performed timely. *Transportation Code § 621.506(g)*.



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**Exception** - If the offense occurred within 20 miles of an international border, the **entire amount** of the fine shall be deposited for the purposes of road maintenance in the county treasury. *Transportation Code § 621.506(h)*. The county may still retain 10% of these fines as a service fee if the quarterly report and remission are performed timely.

## Parent Contributing to Non-Attendance Offenses

**50%** of a fine assessed under Section 25.093 of the Education Code shall be deposited to the credit of the operating fund of, (as applicable):

- the school district in which the child attends school;
- the open-enrollment charter school the child attends; **or**
- the juvenile justice alternative education program that the child has been ordered to attend.

The other half is deposited into the county general fund. *Education Code § 25.093(d)*.



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**Note** that effective January 1, 2020, the \$20 Child Safety Fund court cost assessed on parent contributing to nonattendance cases became a \$20 Child Safety Fund fine. *Code of Criminal Procedure Art. 102.014*. This fine is **not** split as described above, because it is assessed under Code of Criminal Procedure 102.014, not Education Code 25.093.

## B. Court Costs in Criminal Cases

Court costs are **not** part of the punishment for a criminal offense. Instead, the aim is to have users of the criminal justice system pay the costs of maintaining and operating that system. Court costs are intended by the Legislature as a non-punitive recovery of judicial resources. [Weir v. State](#).





Judges have discretion in determining fine amounts, but not court costs. The amount of court costs assessed is set by statute.

## 1. Collection and Remittance of Court Costs

When a defendant is convicted of an offense, the court must assess court costs. When court costs are collected, a record of the money collected must be kept and the money should be deposited in the county treasury. *Local Government Code §§ 133.052(b), 133.054*. Some of the money is then **remitted**, or sent, to the comptroller as described in Chapter 133 of the Local Government Code.

For purposes of assessing court costs described in this section, the definition of “conviction” includes a successfully completed deferred disposition or DSC. *Local Government Code § 133.101*.

### What Does the Treasurer Do with the Costs Before Sending to the Comptroller?

The treasurer may deposit costs in an interest-bearing account. The county keeps any interest accrued in the account, as long as the treasurer timely sends the funds to the comptroller as required. *Local Government Code § 133.053*.

### Quarterly Report and Remittance to Comptroller

The treasurer must send a report itemizing certain costs collected in criminal and civil cases during a calendar quarter, along with the costs required to be remitted to the comptroller, on or before the last day of the next month after the quarter. If no costs are collected, a report must still be sent to the comptroller showing that no costs were collected. *Local Government Code §§ 133.055, 133.056, 133.057*. So, if the quarter ends March 31, all costs collected from January 1 through March 31 must be sent by April 30.



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**If the county is timely in filing the report, the county may retain a service fee from certain amounts collected. The amount of this service fee varies and is listed in this volume where each individual cost, fee, or fine is discussed.**

The criminal costs, fines, and fees that must be included in this quarterly report and remittance are:

- The State Consolidated Court Cost,
- State Traffic Fine,
- Reimbursement Fees for Services of Peace Officers Employed by the State ([see page 25 for additional information](#)), and
- Weight Offense fines ([see page 12 for additional information](#)).

## 2. Determining Which Court Costs and Mandatory Fines Apply in a Criminal Case

To determine which court costs and mandatory fines to assess in a criminal case, the court must answer several questions:

- Is the case a parking/pedestrian violation?
- Is the case a Rules of the Road offense, and if so, did it occur in a school zone in a municipality?
- Is the case a parent contributing to nonattendance case?
- Is the case a passing a school bus while loading/unloading children offense that occurred in a municipality?

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**“Rules of the Road”** offense means any offense in Title 7, Subtitle C of the Transportation Code, which consists of Chapters 541 through 600.

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The materials below will list the court costs and mandatory fines in criminal cases and when they apply. **On [page 19](#), a chart will help you calculate the amount due in any given case.** *Remember that this information applies to offenses that occurred on or after January 1, 2020. For information applicable to offenses before that date, please see Part A of the Appendix.*

## 3. Index of Criminal Court Costs and Mandatory Fines

### State Consolidated Court Cost

- **Authorizing Statute:** Local Government Code § 133.102(a)

- **Amount:** \$62
- **Assessed When:** Upon conviction of any fine-only misdemeanor, **other than** a parking or pedestrian offense.
- **Disposition:** Sent to the county treasurer. The treasurer sends the cost to the state comptroller in the quarterly report, and it is distributed into several state accounts as provided by Local Government Code § 133.102(e). The county may retain 10% (\$6.20) as a service fee.

#### **Local Consolidated Court Cost**

- **Authorizing Statute:** Local Government Code § 134.103(a)
- **Amount:** \$14
- **Assessed When:** Upon conviction of any fine-only misdemeanor, **including** a parking or pedestrian offense.
- **Disposition:** Sent to the county treasurer, and then distributed into county funds as provided by § 134.103. \$5 goes into the local truancy prevention and diversion fund, \$4 into the justice court technology fund, \$4.90 into the courthouse security fund, and \$0.10 into the county jury fund. [See page 16](#) for a detailed description of what these funds may be used for.

#### **State Traffic Fine**

- **Authorizing Statute:** Transportation Code § 542.4031
- **Amount:** \$50
- **Assessed When:** Upon conviction of any Rules of the Road offense, **including** a parking or pedestrian offense.
- **Disposition:** Placed in the county treasury and may be placed in an interest-bearing account. Remitted to the comptroller in the quarterly report, with the county retaining 4% (\$2.00) as a service fee if remitted timely. The comptroller disposes of the money as provided by Transportation Code § 542.4031(g). The justice court must report to the comptroller the collection of this fine every quarter. [See page 37](#).

#### **Local Traffic Fine**

- **Authorizing Statute:** Transportation Code § 542.403
- **Amount:** \$3

- **Assessed When:** Upon conviction of any Rules of the Road offense, **including** a parking or pedestrian offense.
- **Disposition:** Sent to the county treasurer for deposit in the county general fund.

#### **Child Safety Fund Fine**

- **Authorizing Statute:** Code of Criminal Procedure Art. 102.014(c),(d)
- **Amount:** \$25 or \$20
- **Assessed When:** \$25 upon conviction of passing a school bus while loading/unloading children (Transportation Code § 545.066) if the offense is in a municipality, or any Rules of the Road offense occurring in a school crossing zone in a municipality.
- \$20 upon conviction of Parent Contributing to Nonattendance (Education Code § 25.093).
- **Disposition:** Shall be used to fund school crossing guard programs in the county where they are collected. If the county does not operate a school crossing guard program, the county may dispose of the fund as provided in Art. 102.014(h).

#### **4. County Accounts Funded by the Local Consolidated Court Cost**

The \$14 local consolidated court cost, established for offenses occurring on or after January 1, 2020, replaced several individual costs that served to fund different county accounts. The amount of the \$14 that goes into each fund is listed in the above section. These funds are administered at the direction of the commissioners court.

#### **Courthouse Security Fund; Justice Court Building Security Fund**

**Authorizing Statute:** Code of Criminal Procedure Art. 102.017

The courthouse security fund can only be used for security personnel, services, and items, as defined in Art. 102.017(d-1).

These items may include:

- the purchase or repair of X-ray machines and conveying systems;

- handheld metal detectors;
- walkthrough metal detectors;
- identification cards and systems;
- electronic locking and surveillance equipment;
- video conferencing systems;
- bailiffs, deputy sheriffs, deputy constables, or contract security personnel during times when they are providing appropriate security services;
- signage;
- confiscated weapon inventory and tracking systems;
- locks, chains, alarms, or similar security devices;
- the purchase or repair of bullet-proof glass;
- continuing education on security issues for court and security personnel; **and**
- warrant officers and related equipment.



If a county has a justice court located in a building other than a courthouse, 25% of the money in this fund is deposited in the justice court building security fund, which may only be used for security personnel, services, and items for use at that justice court building.

### **Justice Court Assistance and Technology Fund**

**Authorizing Statute:** Code of Criminal Procedure Art. 102.0173

This fund can be used for:

- Technological enhancement and education for justice courts, as defined in Art. 102.0173(d);
- Technological enhancements for constables' offices that directly relate to the operation or efficiency of the justice court; **and**
- Education, benefits, and salaries for court personnel.

**Note that use of this fund for education, benefits, and salaries for court personnel should be used to supplement, not replace, money already being spent by the county for these purposes.**

Items specifically authorized as technological enhancements in Art. 102.0173 include:

- computer systems,
- computer networks,
- computer hardware,
- computer software,
- imaging systems,
- electronic kiosks,
- electronic ticket writers, **and**
- docket management systems.

#### **Local Truancy Prevention and Diversion Fund**

**Authorizing Statute:** Local Government Code § 134.156

This fund is used by a county to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of a juvenile case manager employed under Article 45.056, Code of Criminal Procedure.

If there is money in the fund after those costs are paid, subject to the direction of the commissioners court and on approval by the employing court, a juvenile case manager may direct the remaining money to be used to implement programs directly related to the duties of the juvenile case manager, including juvenile alcohol and substance abuse programs, educational and leadership programs, and any other projects designed to prevent or reduce the number of juvenile referrals to the court.

Money in the fund may not be used to supplement the income of an employee whose primary role is not that of a juvenile case manager.

#### **County Jury Fund**

**Authorizing Statute:** Local Government Code § 134.154

This fund is used by the county to fund juror reimbursements and otherwise finance jury services.

## 5. Criminal Court Cost Chart

In addition to any fine amount set and assessed by the court, the court shall assess the following amounts upon conviction or placement on deferred disposition or Driving Safety Course for **any offense occurring on or after January 1, 2020**.

[Click Here to Open the Criminal Court Cost Chart](#)



OCA is also required by statute to publish a list of all court costs. Charts published by OCA, including separate charts for offenses before and after January 1, 2020, may be found at the [Texas Courts website](#).

### C. Miscellaneous Fees and Costs in Criminal Cases

#### 1. Reimbursement Fees and Court Costs in Driving Safety Course Cases

When a defendant is granted a “mandatory” Driving Safety Course to dismiss an offense, the court must assess all court costs and mandatory fines that apply to the offense. **Please [see page 12](#) for more information on court costs and mandatory fines.** In addition, the court may assess a reimbursement fee, which is capped at \$10. *Code of Criminal Procedure Art. 45.0511(f)(1).*

However, if a defendant is granted a “discretionary” DSC under Art. 45.0511(d), the court, in addition to the mandatory costs and fines described above, may assess a fine not to exceed the maximum amount of the fine for the offense. *Code of Criminal Procedure*

### Additional DSC Fees

An additional \$12 may be collected in DSC cases where the court orders DPS to send the driving record to the court, rather than having the defendant bring the driving record to court.

This amount consists of a \$10 reimbursement fee, and a \$2 state electronic portal fee.

If the court chooses this option, the \$10 reimbursement fee is sent to DPS for the cost of the driving record and the \$2 is paid to the state when the court obtains the information through the portal.

*Code of Criminal Procedure Art. 45.0511(c-1); Transportation Code § 521.048.*

Art. 45.0511(f)(2). For more information on “mandatory” vs. “discretionary” DSC, please see Chapter 5 of the *Criminal Deskbook*.

The defendant is not entitled to a refund of this fee or fine for any reason, even if they fail to take the course. *Code of Criminal Procedure Art. 45.0511(g)*. The fee or fine is deposited in the county treasury. *Code of Criminal Procedure Art. 45.0511(h)*.

### **What if the Defendant Can’t Pay the Fees Up Front?**

The law doesn’t explicitly allow the court to place the defendant on a payment plan or allow community service for payment of the costs and DSC reimbursement fee or fine. *Code of Criminal Procedure Art. 45.0511*.



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However, TJCTC recommends allowing a payment plan or community service if the defendant is unable to pay amounts due in a DSC case. If the defendant is unable to pay and community service would be an undue hardship, TJCTC recommends waiving the court costs and DSC reimbursement fee or fine.

## **2. Time Payment Reimbursement Fee**



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If a person *pays* any fine, court costs, or ordered restitution more than 30 days after the order to pay, the court must assess a \$15 Time Payment Fee. The Time Payment Fee is **not** assessed if the person completely disposes of the fine and court costs via jail credit or community service, **even if** the community service or jail credit occur more than 30 days after the order to pay. *Code of Criminal Procedure Art. 102.030(a)*.

### **Disposition of the Time Payment Reimbursement Fee**

The Time Payment Reimbursement Fee is sent to the county treasurer to be used for the purposes of improving the collection of outstanding court costs, fines, reimbursement fees, or restitution, or improving the efficiency of the administration of justice in the county. The county shall prioritize the needs of the judicial officer who collected the fees when making expenditures under this subsection and use the money deposited to provide for those needs. *Code of Criminal Procedure Art. 102.030(b)*.



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*The changes made to the Omni Reimbursement Fee that became effective January 1, 2020, apply to all fees assessed after that date, regardless of the date of the offense or the date of the conviction.*

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### **3. “Omni” Reimbursement Fee**

Chapter 706 of the Transportation Code provides a mechanism for reporting a defendant to DPS, so that the defendant will not be allowed to renew their driver’s license until they resolve an outstanding citation or judgment. This mechanism is commonly called “Omni” in reference to Omnibase, who contracts with DPS to administer the program. For more information on Omni, see Chapters 3 and 8 of the *Criminal Deskbook*.

To be released from Omni and be allowed to renew their license, the defendant must resolve the case as described by Chapter 706 and pay a \$10 “Omni reimbursement fee.” The defendant does not have to pay the Omni reimbursement fee if:

- they are acquitted of the offense,
  - the prosecutor dismissed the offense due to lack of evidence,
  - they were reported to Omni in error,
  - the underlying records on the unresolved case are missing or have been destroyed,
- or**
- they are indigent.

*Transportation Code § 706.005(b).*

For purposes of the Omni reimbursement fee, a person is presumed to be indigent if:

- they are required to attend school,
- their household income is less than 125% of the federal poverty guidelines, **or**
- they receive certain specified government assistance.

*Transportation Code § 706.006.*



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**Note** that the court could still find the defendant indigent and waive the fee **even if** the above qualifications are not met. Additionally, these qualifications are **not** required to be met to allow payment plans, community service, or waiver of other fines, fees, or costs.

#### **Disposition of the Omni Reimbursement Fee**

When the court collects the Omni reimbursement fee, it is sent to the county treasurer, who uses it to reimburse Omnibase for its services. *Transportation Code § 706.007.*

#### **4. Compliance Dismissal Reimbursement Fees**

Various offenses, mainly in the Transportation Code, allow the court to dismiss an offense if the defendant fixes the condition that resulted in the offense charged (such as defective equipment or an expired driver's license). These offenses carry a reimbursement fee that *may or shall* be assessed, depending on the offense, usually capped at \$10 or \$20. A chart containing common offenses with compliance dismissal reimbursement fees, including the amount of the fee that may be assessed, can be found in Chapter 5 of the *Criminal Deskbook*.



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#### **What if the Defendant Can't Afford the Compliance Dismissal Fee?**

TJCTC recommends not imposing the fee at all, if the defendant can show that they are unable to afford payment, since the purpose of the fee is not punishment but recovery by the court of the cost of providing the service

#### **5. Other Reimbursement Fees**

##### ***a. Teen Court Program Reimbursement Fees***

Some courts utilize a teen court program as a type of diversion program for children charged with criminal offenses. If a defendant is allowed to participate in a teen court program, the court may assess a reimbursement fee of up to \$10 to offset the costs *incurred by the court* in administering the teen court program. This fee is deposited in the county treasury. *Code of Criminal Procedure Art. 45.052(e).*

In addition, the court may require the defendant to pay an additional fee of up to \$10 to cover the costs *incurred by the program*. The court then pays this fee directly to the teen

court program, and the program must provide the court with a receipt and an accounting of how the fee is spent. *Code of Criminal Procedure Art. 45.052(g)*.

The child is not entitled to a refund of either of these fees for any reason, even if they do not complete the teen court program.

For counties in the **Texas-Louisiana border region**, the above fees are capped at \$20 instead of \$10. *Code of Criminal Procedure Art. 45.052(i)*.

**What is the Texas-Louisiana Border Region?**

"Texas-Louisiana border region" means the area consisting of the counties of Bowie, Camp, Cass, Delta, Franklin, Gregg, Harrison, Hopkins, Lamar, Marion, Morris, Panola, Red River, Rusk, Smith, Titus, Upshur, and Wood. *Government Code § 2056.002(e)(2)*.



**Should the Court Charge Other Court Costs?**

The court may waive any other court costs or fees for someone allowed to participate in a teen court program. *Code of Criminal Procedure Art. 45.052(h)*. TJCTC would generally recommend allowing this waiver. A child defendant will very frequently be indigent, and unable to pay those costs anyway.

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*For more information on teen court, see Chapter 3 of the Juvenile Deskbook.*

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**b. Expunction Reimbursement Fees**

Several different situations may arise where a justice court is authorized to order the expunction of arrest records or records related to juvenile convictions or dismissals. For full information on expunctions, including eligibility, please see Chapter 10 of the *Criminal Deskbook*.

The court charges a fee for an application or petition for expunction as described below.

#### **Expunction Fee – Expunction of Arrest Records Generally**

- **Authorizing Statute:** Code of Criminal Procedure Art. 102.006
- **Amount:** \$100
- **Assessed When:** Upon filing of an ex parte petition seeking destruction of arrest records as provided by Chapter 55 of the Code of Criminal Procedure.
  - **Note** – *this fee is waived if the defendant was acquitted of the offense, and the request is made within 30 days of the acquittal.*
  - **Note** – *the court may return some or all of this amount to the petitioner.*
- **Disposition:** Sent to treasurer; used to defray the costs of notifying agencies of the expunction order.

#### **Expunction Reimbursement Fee – Expunction of Case Records Upon Dismissal or Conviction Records; Expunction of Arrest Records in Minor Alcohol Offense Cases**

- **Authorizing Statutes:** Code of Criminal Procedure Art. 45.0216 (criminal offenses committed by children); Alcoholic Beverage Code § 106.12 (alcohol offenses committed by minors); Health & Safety Code § 161.255 (tobacco offenses)
- **Amount:** \$30
- **Assessed When:** Upon filing of an application for expunction based on the above statutes.
- **Disposition:** Used by the court to offset the costs of processing the expunction. Contact your treasurer for the preferred process in your county.

#### **Should the Court Charge Additional Filing Fees on an Expunction Petition or Application?**

A question has been raised as to whether an applicant should pay the standard civil filing fee charged when filing a civil case, in addition to the \$100 authorized for the filing of a petition for expunction of arrest records under Chapter 55 of the Code of Criminal Procedure.



TJCTC believes that a court should *not* assess the civil filing fees because an expunction petition or application is **not** a civil suit or civil action. Consult your county attorney, treasurer, and auditor for information on how your county wishes to handle this issue.

**c.      *Reimbursement Fee for Failing to Appear for Jury Trial***

If a defendant does not waive their right to trial by jury, they may be assessed a reimbursement fee for the costs of empaneling the jury if the defendant fails to appear for a jury trial. The judge can release the defendant from this obligation if good cause is shown for the failure to appear. *Code of Criminal Procedure Art. 45.026.*

**What Are the Costs of Empaneling the Jury?**

The statute doesn't provide guidance as to what the costs of empaneling the jury are. Some items that many counties charge for include:

- The money paid to the jurors for their jury pay,
- Postage for the summons sent to the prospective jurors, **and**
- Printing for juror packets prepared for court.

If you have a question about whether an item is appropriate to include, contact your county attorney, county auditor, or TJCTC.

**d.      *Reimbursement Fees for the Services of Peace Officers***

The following fees are assessed to offset the cost of the services provided if:

- a defendant is convicted of an offense, including an order allowing deferred disposition or DSC, whether successfully completed or not, **and**
- the service(s) listed were provided by a peace officer.

*Code of Criminal Procedure Art. 102.011.*

A court **must not** charge a cost if the service did not occur. *Code of Criminal Procedure Art. 103.002.* Check with your county treasurer for information on how these reimbursement fees should flow from your court to the appropriate agency.

**Arrest Fee**

A fee of \$5 is assessed for issuing a written notice to appear (citation or "ticket") in court following the defendant's violation of a traffic or other penal law of this state, or for making a warrantless arrest. This means that the only defendant who wouldn't be charged this fee would be one where a sworn complaint is filed without a citation being issued or the defendant being taken into custody.

This fee is assessed upon each conviction even if the defendant was arrested at one time for multiple offenses.

### **Warrant Fees**

A fee of \$50 is assessed for executing or processing an issued arrest warrant, *capias*, or *capias pro fine*.

If the warrant or *capias* is **executed**, the law enforcement agency that executed the arrest warrant or *capias* may request imposition of the fee within 15 days of the execution of the warrant.

If the warrant or *capias* is not executed, or the executing agency doesn't request the fee within 15 days of execution, the law enforcement agency that **processed** the arrest warrant or *capias* may request imposition of the fee.



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This fee may be assessed upon conviction for **each** warrant that was executed or processed during the case.

### **Summons and Witness Fees**

A \$5 fee may be charged for summoning a witness or for summoning a jury.

### **Additional Peace Officer Fees and Costs**

A \$35 fee may be charged for serving a writ not otherwise listed in Art. 102.011.

A \$10 fee may be charged for taking or approving a bond securing the defendant's release.

A \$5 fee may be charged for either committing or releasing the defendant from jail.

*A common case where an arrest fee usually wouldn't be assessed is Parent Contributing to Nonattendance. Those cases are usually filed with a sworn complaint, so there is not a citation issued or arrest made.*

A defendant required to pay fees for services provided by a peace officer under Art. 102.011 shall also pay the costs of overtime paid to a peace officer for time spent testifying in the trial of the case or for traveling to or from testifying in the trial of the case.

**Disposition of Peace Officer Fees and Costs**

Generally, fees collected for the services of peace officers are credited to the agency that employs the officer. For officers employed by the state of Texas (such as DPS troopers), those fees are sent to the comptroller for deposit in the general fund. 80% of arrest and warrant fees may be retained by the county as directed by the comptroller before sending those fees to the comptroller. *Local Government Code § 133.104.*

**e. Scofflaw Reimbursement Fee**

Counties may decline to register vehicles for individuals who have unresolved cases or unsatisfied judgments until the defendant takes care of the outstanding issue. If this occurs, the court may assess a \$20 reimbursement fee against the defendant. This reimbursement fee may be used only to reimburse DMV or the county assessor-collector for its expenses for providing services, or another county department for expenses related to services. The fee may be waived if the defendant is unable to pay, or for other good cause. *Transportation Code § 502.010.*

**f. Vehicle Impoundment Reimbursement Fee**

On conviction of a second or subsequent offense for operating a vehicle without financial responsibility, the court shall order the defendant's vehicle impounded. *Transportation Code § 601.261.* The court shall assess an impoundment reimbursement fee of \$15 for each day the vehicle is impounded. *Transportation Code § 601.263.*

**6. Transaction Fee**

A court officer may assess an administrative fee for each transaction (such as a payment) made relating to the collection of fines, fees, restitution, or other costs imposed by a court. The fee may not exceed \$2 for each transaction. *Code of Criminal Procedure Art. 102.072.*



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The fee would remain with the county to offset the costs of administering the case. TJCTC recommends that counties develop a uniform policy on whether or not to assess this fee. If your county assesses this fee, check with your treasurer for the proper disposition in your county.

## 7. Nondisclosure Order Fee

In certain situations, a person may file a petition to have an order of nondisclosure issued in a criminal case. Effective January 1, 2022, the fee is the standard filing fee that generally applies to the filing of a civil petition (the fee is \$28 for any petitions filed before January 1, 2022). *Government Code § 411.0745(b)*. See [Chapter 3](#) of this volume for full information on civil filing fees.

## 8. Collection Fee

In a county that has a contract with a vendor to collect unpaid fines and costs under Art. 103.0031 of the Code of Criminal Procedure, a 30% fee may be assessed on any amounts collected after referral to the collection vendor. The fee goes to the vendor to cover their collection costs.

## 9. Costs for Copies

If a party requires copies of court documents, the court may charge \$2 for the first page and \$0.25 for each additional page for certified copies of court papers, and \$1 for the first page and \$0.25 for each additional page for other documents. **Note** that the court **may not** charge for the first copy of a document in a criminal case issued to the defendant, the defendant's attorney, or the prosecutor. Local Government Code § 118.124.



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**For full information on the collection referral process, see Chapters 3 and 8 of the *Criminal Deskbook*.**



## **10. Fees Ordered by Magistrates**

In certain situations, magistrates can order defendants that are before the magistrate to pay certain costs and fees. These are listed below.

### **a. Ignition Interlock Reimbursement Fee**

If a magistrate imposes a bond condition restricting a defendant to only drive vehicles equipped with an ignition interlock device (IID), the magistrate can designate an agency to monitor the IID reports.

The magistrate can set a reimbursement fee in an amount set by county commissioners and the county auditor, not to exceed \$10 per month, for the defendant to pay for these monitoring services. The first payment is due when the monitoring agency verifies installation of the IID. Every month after that, payment is due on the first day that the agency provides monitoring. *Code of Criminal Procedure Art. 17.441.*

### **b. Probation Monitoring Reimbursement Fee**

If a magistrate orders a person to be monitored by a Community Service and Corrections Department (CSCD), also referred to as “Adult Probation,” the CSCD may assess a monthly reimbursement fee from \$25 – \$60 as long as the defendant is not separately paying a community supervision fee. *Government Code § 76.015.*

### **c. Home Confinement, Electronic Monitoring, or Drug Testing Fee**

If a magistrate orders home confinement, electronic monitoring, or drug testing as a condition of bond, the cost of electronic monitoring or testing for controlled substances under this article may be assessed as a reimbursement fee or ordered paid directly by the defendant as a condition of bond. *Code of Criminal Procedure Art. 17.44(e).*

**d. Cash Bond Fee**

If a defendant posts a cash bond to secure release from custody, the funds must be refunded upon notice of compliance with the terms of the bond. The refund may be issued to:

- any person in the name of whom a receipt was issued, including the defendant if a receipt was issued to the defendant, **or**
- the defendant, if no other person is able to produce a receipt for the funds.

*Code of Criminal Procedure Art. 17.02.*

The refund must be in the amount shown on the face of the receipt except that an administrative fee of 5% of the bond amount, not to exceed \$50, may be withheld and deposited in the general fund of the county. *Local Government Code § 117.055.*

**e. Personal Bond Fee**

If a magistrate releases a defendant on a personal bond on the recommendation of a personal bond office, the court shall assess a personal bond reimbursement fee of \$20 or 3% of the amount of the bail, whichever is greater. The court may waive the fee or assess a lesser fee if good cause is shown. This fee may be used solely to offset expenses of the personal bond office. *Code of Criminal Procedure Art. 17.42, Sec. 4.*

A magistrate may order that a personal bond reimbursement fee assessed under Section 17.42 be:

- paid before the defendant is released,
- paid as a condition of bond,
- paid as court costs,
- reduced as otherwise provided for by statute, **or**
- waived.

*Code of Criminal Procedure Art. 17.03(g).*



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### **Does This Fee Apply to Justice Court Appearance Bonds?**

**No!** A court that requires a defendant to give a personal bond under Art. 45.016 **may not** assess a personal bond fee. *Code of Criminal Procedure Art. 17.42, Sec. 4(a)*. For more information on personal appearance bonds, see Chapter 4 of the *Criminal Deskbook*.

#### ***f. Costs for Copies of Magistration Recording or Warrant Documents***

The attorney for the defendant is entitled to receive a copy of written forms, electronic recordings, or other documentation of communication between the defendant and a magistrate, or an applicant for a warrant and a magistrate, upon payment of reasonable costs of making the copy. *Code of Criminal Procedure Arts. 15.03(e), 15.17(f)*. An indigent defendant is entitled to receive a copy of the record of their Art. 15.17 hearing without cost. *Code of Criminal Procedure Art. 15.17(f)*.

Once an arrest warrant has been executed, the warrant and supporting affidavits are public record and must be provided by the magistrate's clerk upon request and payment of the costs of providing the copies. *Code of Criminal Procedure Art. 15.26*.

## **D. Collection of Money in Criminal Cases**

### **1. Judgment and Bill of Costs**

A fine is not **payable** (due) until a judgment of conviction is rendered by the court. *Please see Chapter 7 of the Criminal Deskbook for more information on criminal judgments.*

A court cost is not payable until a bill of costs is produced or ready to be produced, with an itemized list of court costs. The bill of costs must be signed by an officer authorized to collect money that is due. *Code of Criminal Procedure Art. 103.001*.

### **What Does "Ready to be Produced" Mean?**

TJCTC recommends that, if a court doesn't print out a paper bill of costs, that a bill of costs must be able to be produced on demand by pressing a button in your case software system.



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### **Who Are “Officers Authorized to Collect Money”?**

District and county attorneys, clerks of district and county courts, sheriffs, constables, and justices of the peace may collect money that is due in a criminal case. *Code of Criminal Procedure Art. 103.003(a)*.

A community supervision and corrections department and a county treasurer may collect money payable due in a criminal case with the written approval of the clerk of the court or fee officer and may also collect money payable as otherwise provided by law. *Code of Criminal Procedure Art. 103.003(b)*.

The commissioners court may contract with a private vendor or private attorney for the provision of collection services under Article 103.0031 of the Code of Criminal Procedure.

### **What Needs to be on the Bill of Costs?**

A breakdown of all costs charged in the case must be included on the bill of costs. It is not sufficient to have a total of the costs due, each specific court cost and amount must be listed separately.

### **Correction of Costs and Costs Added After Payment**

After a defendant has paid costs, no more costs may be charged against the defendant unless the court rules on a motion presented to the court that additional costs are due. *Code of Criminal Procedure Art. 103.007*.

On the filing of a motion by a defendant not later than one year after the date of the final disposition of a case in which costs were imposed, the court in which the case is pending or was last pending shall correct any error in the costs. *Code of Criminal Procedure Art. 103.008*.

## **2. Electronic and Credit Card Payments**

The commissioners court may authorize a court to collect money due by accepting electronic or credit card payments. The commissioners court may also authorize a reimbursement fee for accepting payment via electronic payment or credit card. *Local Government Code § 132.002*. Additionally, the county can collect any processing fee

charged by a vendor providing credit card payment services. *Local Government Code § 132.003(d)*.

A reimbursement fee set for **credit card payments** must be reasonably related to the actual processing cost and may not exceed 5% of the amount paid. *Local Government Code § 132.003(a)*.

A reimbursement fee set for **electronic payments** must either be a flat rate not to exceed \$5 per transaction, or a rate reasonably related to the actual processing costs, not to exceed 5% of the amount paid. *Local Government Code § 132.003(c)*.

### **What if a Check Bounces or Credit Card Payment is Dishonored?**

The county may charge a processing fee not to exceed \$30. *Business & Commerce Code § 3.506*. Additionally, the defendant could possibly be charged with a crime such as Fraud or Issuance of Bad Check. Charging the defendant with a crime would be up to a prosecutor or law enforcement officer.

Any reimbursement fees described above are sent to the treasurer for deposit into the general revenue fund of the county. *Local Government Code § 132.006*.

## **3. Allocation and Disposition of Collected Money**

### **How Are Partial Payments Allocated?**

If a defendant makes a payment that does not satisfy the entire judgment, the payment is first applied to court costs until they are fully satisfied. If the payment is not large enough to satisfy the entire amount of court costs, it is applied to each court cost on a prorated basis. Once the court costs are paid, if a payment is made that doesn't cover all of the fines, the payment is applied to each fine on a prorated basis. Reimbursement fees are considered court costs. *Attorney General Opinion GA-147; Code of Criminal Procedure Art. 45.004*.



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**Remember that the State and Local Traffic Fines and Child Safety Fund Fines discussed on [page 9](#) are not court costs, they are fines.**

## PARTIAL PAYMENT EXAMPLE

A defendant is convicted and court costs in the amount of \$76 (\$62 State Consolidated Court Cost and \$14 Local Consolidated Court Cost), the \$50 State Traffic Fine and \$3 Local Traffic Fine are assessed, plus a fine \$150, for a total of \$279 that is due.

Suppose the defendant makes a payment of \$50. This \$50 is assessed first against the court costs. It is not enough to pay all of the court costs, and so it is prorated between them. The State Consolidated Court Cost is 81.6% of the total court costs assessed, so 81.6% of the \$50 payment (\$40.79) would go toward that cost, with the remaining \$9.21 credited toward the Local Consolidated Court Cost.

Now let's suppose the defendant makes another \$50 payment. We first apply the payment to the remaining court costs, so \$26 goes to paying those. The remaining \$24 is prorated among the \$150 assessed fine, the \$50 State Traffic Fine, and the \$3 Local Traffic Fine, as described above. See the charts below for an illustration of how these amounts were determined and how the payments were allocated.

Most courts have software systems that will do this automatically but the court should verify that the "mandatory fines" are treated as fines rather than court costs.

### Court Costs & Fines Due at Conviction – Above Example

Court Cost or Fine Title	Amount	% of total costs or fines
State Consolidated Court Cost	\$62	81.6 % (62/76)
Local Consolidated Court Cost	\$14	18.4% (14/76)
<b>Total Court Costs:</b>	<b>\$76</b>	<b>100.0%</b>
State Traffic Fine	\$50	24.6% (50/203)
Local Traffic Fine	\$3	1.5% (3/203)
Fine Assessed by Judge	\$150	73.9% (150/203)
<b>Total Fines:</b>	<b>\$203</b>	<b>100.0%</b>
<b>Total Fines &amp; Court Costs Owed:</b>	<b>\$279</b>	

### Allocation of First \$50 Payment

Court Cost Title	% of total costs	Amount applied
State Consolidated Court Cost	81.6%	\$40.79 (.816 x \$50)
Local Consolidated Court Cost	18.4%	\$9.21 (.184 x \$50)

### Court Costs & Fines Left Unpaid After Payment 1

Court Cost or Fine Title	Amount
State Consolidated Court Cost	\$21.21
Local Consolidated Court Cost	\$4.79
<b>Total Court Costs Remaining:</b>	<b>\$26</b>
State Traffic Fine	\$50
Local Traffic Fine	\$3
Fine Assessed by Judge	\$150
<b>Total Fines Remaining:</b>	<b>\$203</b>
<b>Total Fines &amp; Court Costs Unpaid:</b>	<b>\$229</b>

### Allocation of Second \$50 Payment

Court Cost or Fine Title	% of total costs/fines	Amount applied
State Consolidated Court Cost	81.6%	\$21.21
Local Consolidated Court Cost	18.4%	\$4.79

**Amount of Payment 2 Applied to Court Costs - \$26**

**Amount of Payment 2 Left Over to Apply Toward Fines Below - \$24**

State Traffic Fine	24.6%	\$5.90 (.246 x \$24)
Local Traffic Fine	1.5%	\$0.36 (.015 x \$24)
Fine Assessed by Judge	73.9%	\$17.74 (.739 x \$24)

Court Costs & Fines Left Unpaid After Payment 2	
State Consolidated Court Cost	\$0
Local Consolidated Court Cost	\$0
<b>Total Court Costs Remaining:</b>	<b>\$0</b>
State Traffic Fine	\$44.10
Local Traffic Fine	\$2.64
Fine Assessed by Judge	\$132.26
<b>Total Fines Remaining:</b>	<b>\$179</b>
<b>Total Fines &amp; Court Costs Owed:</b>	<b>\$179</b>

### Waiver of Fines and Court Costs

Similarly, if the court waives some (but not all) money due on a criminal case, the fines would be the first thing waived, then the fees and court costs.



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If a defendant is unable to pay a fine, they must do community service to satisfy the fine unless community service is an undue hardship. If the defendant is unable to pay costs, the court can waive **costs**, even if community service would not be an undue hardship. Reimbursement fees are considered court costs. *Code of Criminal Procedure Art. 45.004.*

### Uncollectable Fines, Fees, and Costs

Any officer authorized to collect a fine, fee, or item of cost (including a justice of the peace) may request the trial court in which a criminal action or proceeding was held to make a finding that a fine, fee, or item of cost imposed in the action or proceeding is uncollectible if the officer believes:

- the defendant is deceased;
- the defendant is serving a sentence for imprisonment for life or life without parole;
- or
- the fine, fee, or item of cost has been unpaid for at least 15 years.



On a finding by a court that any condition described above is true, the court may order the officer to designate the fine, fee, or item of cost as uncollectible in the fee record. The officer shall attach a copy of the court's order to the fee record. *Code of Criminal Procedure Art. 103.0081.*

#### **How Long Does a Court Have to Send Collected Money to the Treasury?**

A judge shall deposit money collected in the county treasury not later than the next regular business day after the date that the money is collected. If it is not possible for the officer to deposit the money in the county treasury by that date, the officer shall deposit the money in the county treasury as soon as possible, but not later than the fifth regular business day after the date that the money is collected. *Code of Criminal Procedure Art. 103.004(a).*

#### **4. Payment Reports, Records, and Procedures**

##### ***a. Report to Commissioners Court, District Court, and Comptroller***

A justice of the peace must report to the commissioners court during each term of the commissioners court, as well as to the district court on the first day of each term of court. The report must be in writing and under oath and state for the reporting period:

- the amount of money collected by the officer;
- when and from whom the money was collected;
- the process by which the money was collected; **and**
- the disposition of the money.



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The commissioners court of a county with a population of less than 50,000 may authorize an officer who is required to deposit money to deposit the money in the county treasury not later than the 15th day after the date that the money is collected. *Code of Criminal Procedure Art. 103.004(c).*

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If an officer has not collected money since the last report required to be filed with the commissioners court, the officer shall report that fact to the commissioners court. *Code of Criminal Procedure Art. 103.005.*

Each justice of the peace who collects money for the use of the county shall make a full report at least once a month at a regular term to the commissioners court on:

- All fines imposed and collected,
- All judgments rendered and collected for the use of the county, **and**
- All jury fees collected by the court in favor of or for the use of the county.

At the time of the report, the justice of the peace shall also present the receipts and vouchers that show the disposition of the money, fines, and judgments. *Local Government Code § 114.044(a).*

#### **Requirements of the Report**

Each report must fully state:

- The name of the person fined and the amount of the fine or the names of the person against whom judgment was rendered and the amount of the judgment,
- The style, number, and state of each case in which a fine was imposed or a judgment rendered, **or**
- The amount of the jury fees collected, the style and number of the case in which each jury fee was collected, and the name of the person from whom the fee was collected.

*Local Government Code § 114.044(b).*

Additionally, each calendar quarter, an officer collecting a state traffic fine under Section 542.4031 of the Transportation Code shall submit a report to the comptroller. The report must comply with the same requirements as the above report to the commissioners court. *Transportation Code § 542.4031(d).*

#### **b. Fee Record and Receipt Book**

Each justice of the peace shall keep a fee record, which is open for public inspection. The record must contain:

- a statement of each fee or item of cost charged for a service rendered in a criminal action or proceeding;
- the number and style of the action or proceeding; **and**
- the name of the officer or person who is entitled to receive the fee.

The county shall provide to officers required to keep a fee record by this article equipment and supplies necessary to keep the record. *Code of Criminal Procedure Art. 103.009.*

**Instead of a receipt book, each officer collecting fines or fees in criminal cases for the county may maintain the information listed above in a computer database that meets all of the listed requirements. The officer shall provide a receipt to each person paying a fine or fee. *Code of Criminal Procedure Art. 103.010(c).***

Each county shall provide a receipt book to each officer collecting fines and fees in criminal cases for the county. The book must contain duplicate official receipts. Each receipt must bear a distinct number and a facsimile of the official seal of the county. *Code of Criminal Procedure Art. 103.010.*

An officer who collects fines or fees in a criminal case shall give the person paying the money a receipt from the receipt book or computer database. *Code of Criminal Procedure Art. 103.010.*

This receipt must show:

- the amount of money paid;
- the date the money was paid;
- the style and number of the case in which the costs were accrued;
- the item of costs;
- the name of the person paying the money; **and**
- the official signature of the officer receiving the money.

**c. Audit**

A justice of the peace shall deliver the receipt book or a copy of any receipt records contained in a computer database to the county auditor at the end of each month's business or at the end of each month shall allow the county auditor electronic access to receipt records contained in the computer database.

The county auditor shall examine the receipt book or computer records and determine whether the money collected has been properly disposed of. If each receipt in a receipt book has been used, the county auditor shall keep the book. If any receipt in the book has not been used, the auditor shall return the book to the officer.

The county auditor may keep a copy of computer-generated receipt records delivered to the county auditor. Any person may inspect a receipt book or a computer-generated receipt record kept by the county auditor. *Code of Criminal Procedure Art. 103.011.*

**What if a Judge or Other Officer Doesn't Follow the Rules?**

A violation of a provision of Article 103.010 or Article 103.011 is a Class C misdemeanor.



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A judge or other officer who violates a provision of Article 103.010 or Article 103.011 or whose deputy violates a provision of those articles may be removed from office on the petition of the county or district attorney. *Code of Criminal Procedure Art. 103.012.*

## Chapter 3: Civil Cases

### A. Filing Fees

To initiate a civil lawsuit in justice court, a plaintiff must either pay a filing fee or submit a **Statement of Inability to Afford Payment of Court Costs or Appeal Bond** (usually shortened to Statement of Inability). *Rule 502.3(a)*. For more information on Statements of Inability, see Chapter 4 of the *Civil Deskbook*.



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Filing fees are also required when filing a foreign judgment for domestication. *Civil Practice & Remedies Code § 35.007*.

In the large majority of counties, the “standard” civil filing fee is \$54. However, this filing fee is actually made up of two separate fees, the State Consolidated Civil Fee and the Local Consolidated Civil Fee. **See the index on [page 42](#) for full filing fee information, including disposition of these fees.**

### B. Recording, Reporting, and Remitting Fees and Costs in Civil Cases

A court must maintain a fee book containing a record of all costs that have accrued in a suit. *Rule 507.3(b)*.

#### Quarterly Report and Remittance to Comptroller

The treasurer must send a report itemizing certain costs collected in criminal and civil cases during a calendar quarter, along with the costs required to be remitted to the comptroller, on or before the last day of the next month after the quarter. If no costs are collected, a report must still be sent to the comptroller showing that no costs were collected. *Local Government Code §§ 133.055, 133.056, 133.057*. So, if the quarter ends March 31, all costs collected from January 1 through March 31 must be sent by April 30.

**All State Consolidated Civil Fees collected must be included in this remittance. *Local Government Code § 133.055*.**

If the county is timely in filing the report, the county may retain a percentage of most of the costs as a “service fee.” See the index of costs below for details on if a service fee may be retained, and if so, the amount.

## 1. Index of Required Filing Fees in Civil Cases Filed on or After January 1, 2022

### State Consolidated Civil Filing Fee

- **Authorizing Statute:** Local Government Code § 133.151(a-1)
- **Amount:** \$21
- **Assessed When:** Upon filing of any new original civil action, and in any new action in an existing civil suit, including counterclaims, crossclaims, third party actions, interventions, appeals, and motions for new trial.
- **Disposition:** Sent to the treasurer, and then to the comptroller in the quarterly report required by Local Government Code § 133.055. *The county may not retain a service fee. Local Government Code § 133.058(d).*
- **Allocation:** For each \$21 collected, the comptroller shall put \$6 into the indigent civil legal services fund, \$10 into the statewide electronic filing system fund, and \$5 into the judicial and court personnel training fund.

### Local Consolidated Civil Filing Fee

- **Authorizing Statute:** Local Government Code § 135.103
- **Amount:** \$33
- **Assessed When:** Upon filing of any new original civil action, and in any new action in an existing civil suit, including counterclaims, crossclaims, third party actions, interventions, appeals, and motions for new trial.
- **Disposition:** Sent to treasurer for deposit in the county treasury.
- **Allocation:** For each \$33 collected, the county treasurer shall put \$25 into the justice court support fund, \$5 into the county dispute resolution fund, and \$3 into the language access fund.

### **Allocation of Civil Filing Fees**

The justice court should only charge the two listed filing fees. It is the responsibility of the comptroller and the county treasurer, respectively, to allocate the monies from those fees into the proper funds. In other words, a person in justice court should not be charged “\$3 for the language access fund” but instead, the county treasurer must ensure that \$3 of the \$33 local consolidated civil filing fee that the person paid goes into the language access fund.

### **Application of Local Funds – Justice Court Support Fund**

This fund may only be used by a county to cover the costs of services provided by a justice court. *Local Government Code § 135.161*. This fund takes the place of money collected as part of the \$25 filing fee collected before January 1, 2022.

### **Application of Local Funds – County Dispute Resolution Fund**

This fund may only be used by a county to establish and maintain an alternative dispute resolution system in accordance with Chapter 152, Civil Practice and Remedies Code. The fund shall be administered by the commissioners court and may be used by the county only to establish and maintain the system. The system shall be operated at one or more convenient and accessible places in the county. *Local Government Code § 135.157(a)*.

If a county has not established an alternative dispute resolution system, the money allocated under Subsection (a) shall be remitted to the comptroller and the comptroller shall allocate the money to the statewide electronic filing system fund. *Local Government Code § 135.157(b)*.

### **Application of Local Funds – Language Access Fund**

This fund may only be used by a county to provide language access services, such as interpreters, for individuals appearing before the court or receiving court services. *Local Government Code § 135.155*.

## **2. Index of Required Filing Fees in Civil Cases Filed Before January 1, 2022**

### **Civil Filing Fee**

- **Authorizing Statute:** Local Government Code § 118.121
- **Amount:** \$25

- **Assessed When:** Upon filing of any new civil suit, including counterclaims, crossclaims, third party actions, and interventions.
- **Disposition:** Sent to treasurer for deposit in the county general fund.

#### **Statewide E-Filing Fee**

- **Authorizing Statute:** Government Code § 51.851(c)
- **Amount:** \$10
- **Assessed When:** Upon filing of any new civil suit, including counterclaims, crossclaims, third party actions, and interventions, or any other civil action requiring a filing fee.
  - **Note** – *This fee is assessed whether or not the suit or action is filed electronically, and whether or not a county has implemented electronic filing.*
- **Disposition:** Treasurer remits to comptroller as part of quarterly report. The comptroller deposits the fee into the Statewide Electronic Filing System Fund. *The county **may not** retain a service fee.*

#### **Indigent Legal Services Fee**

- **Authorizing Statute:** Local Government Code § 133.153
- **Amount:** \$6
- **Assessed When:** Upon filing of any new civil suit, including counterclaims, crossclaims, third party actions, and interventions, or any other civil action requiring a filing fee.
- **Disposition:** Treasurer remits 95% (\$5.70) to the comptroller as part of the quarterly report for deposit into the State Judicial Fund – Basic Legal Services Account. The county retains 5% (\$0.30) as a “service fee” and also retains any interest that accrues before turning over the fee.

#### **Judicial and Court Personnel Training Fee**

- **Authorizing Statute:** Government Code § 51.971
- **Amount:** \$5
- **Assessed When:** Upon the filing of any civil action or civil proceeding requiring a filing fee, including counterclaims, third party actions, and interventions.



- **Disposition:** Treasurer remits to comptroller as part of quarterly report. The comptroller deposits the fee into the Judicial and Court Personnel Training Fund. *The county **may not** retain a service fee.*

#### **Alternative Dispute Resolution (ADR) Fee**

- **Authorizing Statute:** Civil Practice & Remedies Code § 152.005
- **Amount:** Up to \$5
- **Assessed When:** Upon filing of a new civil suit. It is not assessed on tax suits, eviction suits, or writs of re-entry.
  - **Note** – *May only be assessed if the commissioners court has implemented a county ADR system and set the fee amount.*
- **Disposition:** Sent to treasurer for deposit in the County Alternative Dispute Resolution System Fund.

### **3. Index of Additional Civil Filing Fees Before January 1, 2022 (Only in Certain Counties)**

#### **Dallas County Civil Court Facility Fee**

- **Authorizing Statute:** Government Code § 51.705
- **Amount:** Up to \$15
- **Assessed When:** Upon filing of a new civil suit in Dallas County.
  - **Note** – *May only be assessed if the commissioners court adopts a resolution authorizing the fee.*
- **Disposition:** Sent to treasurer for placement in Special Dallas County fund dedicated to construction, renovation, and improvement of Dallas County civil court facilities.

#### **Rockwall County Court Facility Fee**

- **Authorizing Statute:** Government Code § 51.709
- **Amount:** Up to \$15
- **Assessed When:** Upon filing of a new civil suit in Dallas County.
  - **Note** – *May only be assessed if the commissioners court adopts a resolution authorizing the fee.*

- **Disposition:** Sent to treasurer for placement in Special Rockwall County fund dedicated to construction, renovation, and improvement of Rockwall County court facilities.

#### **Hays County Civil Court Facility Fee**

- **Authorizing Statute:** Government Code § 51.707
- **Amount:** Up to \$15
- **Assessed When:** Upon filing of a new civil suit in Hays County.
  - *Note – May only be assessed if commissioners court adopts a resolution authorizing the fee.*
- **Disposition:** Sent to treasurer for placement in Special Hays County fund dedicated to construction, renovation, and improvement of Hays County civil court facilities.

#### **Willacy and Starr County Civil Court Facility Fee**

- **Authorizing Statute:** Government Code § 51.713
- **Amount:** Up to \$20
- **Assessed When:** Upon filing of a new civil suit in Willacy or Starr County other than fraudulent lien suits or suits not requiring a filing fee.
  - *Note – May only be assessed if commissioners court adopts a resolution authorizing the fee.*
- **Disposition:** Sent to treasurer for placement in special fund dedicated to construction, renovation, and improvement of Willacy or Starr County civil court facilities.

### **C. Jury Fee**

Unlike in criminal cases, a party is not automatically entitled to a jury in a civil case. To receive a jury, they must pay a \$22 jury fee and make a timely demand (no less than 14 days before trial in most civil cases, no less than three days before trial in an eviction case.) *Rule 504.1, 510.7(b)*. The \$22 remains with the county to offset the costs of empaneling the jury. A party does not get a refund of the jury fee if they later decide they don't want a jury.

## D. Fees for Issuance of Documents by the Court

Local Government Code § 118.121 provides a menu of costs for services provided by the court. These are itemized below.

### 1. Abstract of Judgment

A court may charge \$5 for preparing and issuing an abstract of judgment. A judgment creditor may request multiple abstracts and must pay \$5 per abstract.

### 2. Writ Fee

A court may charge \$5 per page for preparing and issuing a writ, such as a sequestration, attachment, or execution. This fee only covers the actual issuance of the writ by the court. The officer executing the writ will charge a service fee for executing the writ. For more information, see [Section E](#) of this chapter.

#### A Note on Garnishments

In addition to the \$5 writ fee, most counties charge their standard civil filing fee for the filing of a writ of garnishment, since the rule says it is docketed as a separate action. *Rule 659*. TJCTC agrees with this procedure, although it is arguable that only the writ fee should be charged. Consult with your county attorney, auditor, and treasurer for your county's policy and remain consistent.

### 3. Transcript Fee

When a party files an appeal, the court must prepare a transcript of the events in the case (meaning a list of the docket entries, not an actual verbatim transcript of any trial testimony). The fee for preparing and issuing this abstract is \$10. **Note** that, beginning January 1, 2022, the court must also charge the civil filing fee if a party files an appeal. See [page 42](#) for details.

#### 4. Costs for Copies



If a party requires copies of court documents, the court may charge \$2 for the first page and \$0.25 for each additional page for certified copies of court papers, and \$1 for the first page and \$0.25 for each additional page for other documents. Note that the court **may not** charge for the first copy of a document in a criminal case issued to the defendant, the defendant’s attorney, or the prosecutor. *Local Government Code § 118.124.*

#### E. Fees for Services by Constables or Sheriffs



Fees for service of civil process (such as citations, subpoenas, writs of execution, and writs of possession) are set by the commissioners court, and therefore vary from county to county. *Local Government Code § 118.131.* These fees are listed in the Sheriffs’ and Constables’ fees book published by the Comptroller’s Office, which may be found at this link: <https://comptroller.texas.gov/transparency/local/sheriffs/>.

If a person has filed a Statement of Inability and a document needs to be sent to another county for service, the court should send the document to the proper office, with the Statement of Inability attached. The officer will be obligated to serve or execute the process. *Rule 126(b).*

The court is not obligated to collect fees for these services, as they are payable to the office performing the service. However, in practice, most courts collect those fees and forward them to the constable or sheriff in their county.

Discuss your county’s preferred procedure with the treasurer and constables. If a party is going to need to take a document to another county for service by a constable or sheriff there, generally courts will have the party pay that office directly.

#### Can Clerks Charge Service Fees?

The Attorney General has stated that the “justice court clerk **may not** charge a fee for service of process by certified or registered mail [but] **may** collect advance payment for the expense of postage for serving process by mail unless another statute exempts the

party from paying such costs." *Attorney General Opinions DM-250-A (1996) and DM-250 (1993)*. Therefore, under the Attorney General's opinions a clerk **may not** charge more than the actual cost of the mailing when serving a citation by certified or registered mail.

## **F. Liability for Improper Collection of Civil Fees**

A person authorized to collect money under Chapter 118 of the Local Government Code who, in bad faith, demands and receives a higher fee than authorized or a fee that is not authorized is liable to the damaged person for four times the amount unlawfully demanded and received.

If the amount is not collected in bad faith, the person is liable for the difference between the amount demanded and received and the amount of the fee authorized under this chapter.

"Bad faith" includes a demand that an officer makes with the knowledge that a fee is not authorized by law. *Local Government Code § 118.801*.

## Chapter 4: Fines, Fees, and Costs in Other Cases

### A. Administrative Proceedings

#### 1. Tow Hearings

Effective January 1, 2022, the filing fee for a tow hearing is the standard civil filing fee.



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For tow hearing petitions filed before January 1, 2022, the filing fee is the \$20 fee previously authorized by Occupations Code § 2308.457, plus the other fees charged on civil cases filed before January 1, 2021 (the Statewide E-Filing Fund Fee, Indigent Legal Services Fee, and Judicial and Court Personnel Training Fund Fee, see [page 43](#) for details).

#### 2. Occupational Driver’s License Applications and Orders

The court should charge the standard civil filing fee for an application for an Occupational Driver’s License. *Attorney General Opinion GA-1044.*

Additionally, the court may order supervision as a condition of the ODL. If supervision by the community supervision and corrections department (CSCD, or “probation”) is ordered, then the court **must** order a supervision fee of \$25-\$60. If supervision by a personal bond office established by Art. 17.42 of the Code of Criminal Procedure is ordered, then the court **may** order a supervision fee of \$25-\$60. *Transportation Code § 521.2462; Government Code § 76.015(a-1).*

#### 3. Other Administrative Proceedings

For a full discussion of whether or not fees are charged for other administrative proceedings, please see the *Administrative Proceedings Deskbook*.

### B. Truant Conduct Cases

The clerk may not charge the state for filing a truant conduct petition. *Family Code § 65.054(e)*. There is no jury fee in a truant conduct case. *Family Code § 65.007*. The court

may order a child's parent or other responsible person to pay for the cost of an attorney or guardian ad litem appointed for a child if the court determines that the person has sufficient financial resources. *Family Code §§ 65.059(c), 65.061(c)*.



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The court must impose a \$50.00 court cost if the court finds that the child, parent, or person responsible for the child's support is financially able to pay the cost. The order to pay the cost must be in writing. This cost is sent to the treasurer and deposited in a special account only used to offset the costs of truancy court. *Family Code § 65.107*.



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#### **What if No One Can Afford the Court Cost?**

If no one can afford payment of the cost, the court must not impose it. The cost ***should not*** be imposed and disposed of with a payment plan or community service.

There is no specific authority to charge for serving a summons on the child or the parent. Since the court cost assessed in these cases can be used to offset the costs of truancy court, TJCTC's position is that account could be used to pay a service fee to officers serving process in truant conduct cases.

**For more information on truant conduct cases, please see Chapter 1 of the *Juvenile Deskbook*.**

### **C. Writs of Re-Entry, Restoration, and Retrieval**

The fee for filing a sworn complaint for a writ of re-entry or restoration is the same as the standard civil filing fee. The fee for service of a writ of re-entry or restoration is the same as for service of a writ of possession. The fee for service of a show cause order is the same as for service of a civil citation. *Property Code § 92.009(l), 92.0091(k)*.

The standard civil filing fee would be assessed on an application for a writ of retrieval. Service of a hearing notice would be the same as the fee for service of a civil citation. A commissioner's court could approve a writ of retrieval fee to be charged upon execution of the writ. If they have not authorized a specific fee, the officer could charge a fee, if any, authorized for execution of "other writs."

## **D. Delinquent Tax Suits**

Since the plaintiff in delinquent tax suits is always a “taxing unit” they are not required to pay filing fees. *Tax Code § 33.49*. However, the court must still calculate the filing fees since they may be assessed against the defendant as a court cost.

## **E. Habitual Violator Toll Hearings**

If a person is designated as a habitual violator for nonpayment of tolls, that person can appeal the designation to justice court. The filing fee for the appeal request is \$100 if filed before January 1, 2022, and the standard filing fee if filed on or after January 1, 2022. *Transportation Code § 372.107*. If the party requesting a hearing wins at the hearing, the other party shall reimburse the prevailing party for the amount of the filing fee within 10 days after issuance of the finding.

For cases filed before January 1, 2022, the other fees that compose the “standard” civil filing fee (the Statewide E-Filing Fund Fee, Indigent Legal Services Fee, and Judicial and Court Personnel Training Fund Fee) should be assessed on top of the \$100. This makes the total filing fee \$121, plus any optional fees that your county has approved.

## **F. Contempt**

Various provisions allow a court to collect a fine from someone held to be in contempt of court. The basic contempt statute is Government Code § 21.002, which provides a fine of up to \$100 (in addition to jail for up to three days).

For a child or parent held in contempt in a Truant Conduct case, the court may impose a fine of up to \$100. *Family Code §§ 65.251(a)(1), 65.253(c)*. A child held in contempt in a criminal case may be fined up to \$500 (in addition to a driver’s license suspension or referral to juvenile court). *Code of Criminal Procedure Art. 45.050*.

For more information on contempt, please see the *Officeholding, Civil, Juvenile, and Criminal Deskbooks*.



## **G. Required Posting and Recording of Fees**

A justice of the peace shall keep posted at all times in a conspicuous place in their office a complete list of fees the person may charge by law. *Government Code § 603.008*. An officer who by law may charge a fee for a service shall keep a fee book and shall enter in the book all fees charged for services rendered. *Government Code § 603.006*.

## Chapter 5: Additional Resources and List of Cases

### A. Court Costs in Criminal Cases with an Offense Date Before January 1, 2020

In justice court, unless the bill creating the cost states otherwise, court costs that are assessed on conviction are based on the date of the offense. Court costs are not determined by the date the case was filed or the date of conviction, if any. *Government Code § 51.608.*

**Note that the current versions of the Omni Reimbursement Fee and Time Payment Reimbursement Fee are applied regardless of the offense date. For information on those fees, please [see pages 20-21](#).**



#### KEY POINT

Therefore, if you have cases where the offense date is before the changes implemented by SB 346 took effect, you must apply the previous law to determine the court costs.

To determine which court costs to assess in a criminal case where the offense date occurred before January 1, 2020, the court must answer several questions:

- Is the case a parking/pedestrian violation?
- Is the case a moving violation?
- Is the case a Rules of the Road offense, and if so did it occur in a school zone in a municipality?
- Is the case a passing a school bus while loading/unloading children case, and if so did it occur in a municipality?
- Is the case a Parent Contributing to Nonattendance case?
- Is the case an Issuance of Bad Check or Theft case where the theft was accomplished by passing a bad check?
- Was the case tried by a jury?
- Was the defendant placed on deferred disposition or DSC?

The materials below will list the court costs in criminal cases and when they apply. Afterward, a flowchart will help you calculate the court costs in any given case.



Unless otherwise noted, “**conviction**” means a finding of guilt following a plea of guilty or nolo contendere, or at trial, and also includes an order placing a defendant on deferred disposition under Art. 45.051 of the Code of Criminal Procedure or allowing dismissal via Driving Safety Course under Art. 45.0511 of the Code of Criminal Procedure, regardless of whether the defendant successfully completes the deferral or DSC. *Local Government Code § 133.101*. See the description of the Juror Reimbursement Fee below for an important exception.



“**Moving violation**” means an offense designated by DPS as a moving violation. DPS has the rulemaking authority to identify moving violations. *Transportation Code § 708.052*. The list is available in the Texas Administrative Code and may be found by clicking “Attached Graphic” after clicking [here](#).

“**Rules of the Road**” offense means any offense in Title 7, Subtitle C of the Transportation Code, which consists of Chapters 541 through 600.

## 1. Index of Criminal Court Costs for Offenses Before January 1, 2020

### a. Costs Assessed in All Counties – Sent to Comptroller

#### Consolidated Court Cost

- **Authorizing Statute:** Local Government Code § 133.102(a)
- **Amount:** \$40
- **Assessed When:** Upon conviction of any fine-only misdemeanor, other than a parking or pedestrian offense.
- **Disposition:** Sent to the state comptroller in the quarterly report. The comptroller distributes the cost into several accounts as provided by Local Government Code § 133.102(e). The county may retain 10% (\$4) as a service fee.

### State Traffic Fine

- **Authorizing Statute:** Transportation Code § 542.4031
- **Amount:** \$30 if the offense occurred before September 1, 2019, \$50 if the offense occurred on or after September 1, 2019.
- **Assessed When:** Upon conviction of any Rules of the Road offense.
- **Disposition:** Placed in the county treasury and may be placed in an interest-bearing account. Remitted to the comptroller in the quarterly report, with the county retaining 5% of the \$30 fine (\$1.50) or 4% of the \$50 fine (\$2.00) as a service fee if remitted timely. The comptroller disposes of the money as provided by Transportation Code § 542.4031(g).

### Judicial Support Fee

- **Authorizing Statute:** Local Government Code § 133.105(a)
- **Amount:** \$6
- **Assessed When:** Upon conviction of any offense, *other than parking or pedestrian offenses.*
- **Disposition:** 10% (\$0.60) goes into the general fund of the county to promote the efficient operation of the county courts and the investigation, prosecution, and enforcement of offenses that are within the jurisdiction of the courts. The remaining 90% (\$5.40) is sent to the comptroller as part of the quarterly report for deposit in the judicial fund. *The county **does not** retain a service fee on this cost.*

### Indigent Defense Representation Support Fee

- **Authorizing Statute:** Local Government Code § 133.107(a)
- **Amount:** \$2
- **Assessed When:** Upon conviction of any offense, *other than parking or pedestrian offenses.*
- **Disposition:** Sent to the comptroller as part of the quarterly report for deposit in the fair defense fund account. The county may retain 10% (\$0.20) as a “service fee.”

### **Juror Reimbursement Fee**

- **Authorizing Statute:** Code of Criminal Procedure Art. 102.0045
- **Amount:** \$4
- **Assessed When:** Upon conviction of any offense, *other than parking or pedestrian offenses.*
  - **Note** – *This fee is **not** assessed on deferred disposition or DSC.*
- **Disposition:** Sent to the comptroller as part of the quarterly report for deposit in the jury service fund. The county may retain 10% (\$0.40) as a “service fee.”

### **Truancy Prevention & Diversion Fund**

- **Authorizing Statute:** Code of Criminal Procedure Art. 102.015
- **Amount:** \$2
- **Assessed When:** Upon conviction of any offense, *other than parking or pedestrian offenses.*
- **Disposition:** If the county has or is establishing a juvenile case manager program, the county may keep \$1 to operate or establish the program. Any other money is sent to the comptroller in the quarterly report for deposit in a special account in the general fund.

### **Additional Rules of the Road Court Cost**

- **Authorizing Statute:** Transportation Code § 545.403
- **Amount:** \$3
- **Assessed When:** Upon conviction of any Rules of the Road offense.
- **Disposition:** Sent to the county treasurer for deposit in the county general fund.

### **Civil Justice Data Repository Fee**

- **Authorizing Statute:** Code of Criminal Procedure Art. 102.022
- **Amount:** \$0.10
- **Assessed When:** Upon conviction of any moving violation
- **Disposition:** Sent to the county treasurer, and then remitted to the comptroller as part of the quarterly report. The county keeps 10% as a collection fee.

**b. Fees Assessed in All Counties – Not Sent to Comptroller**

**Jury Fee**

- **Authorizing Statute:** Code of Criminal Procedure Art. 102.004
- **Amount:** \$3
- **Assessed When:** Upon conviction at a jury trial, *or within 24 hours of withdrawing a jury request*, of any offense.
- **Disposition:** Remains with the county to offset the costs of empaneling a jury.

**Child Safety Fund**

- **Authorizing Statute:** Code of Criminal Procedure Art. 102.014(c),(d)
- **Amount:** \$25/\$20
- **Assessed When:** \$25 upon conviction of passing a school bus while loading/unloading children (Transportation Code § 545.066) if the offense is in a municipality, or any Rules of the Road offense occurring in a school zone in a municipality; or \$20 upon conviction of Parent Contributing to Nonattendance (Education Code § 25.093).
- **Disposition:** Shall be used to fund school crossing guard programs in the county where they are collected. If the county does not operate a school crossing guard program, the county may dispose of the fund as provided in Art. 102.014(h).

**Courthouse Security Fund; Justice Court Building Security Fund**

- **Authorizing Statute:** Code of Criminal Procedure Art. 102.017
- **Amount:** \$4
- **Assessed When:** Upon conviction of **any** offense.
- **Disposition:** Sent to the county treasurer for deposit in the county courthouse security fund, which can only be used for security personnel, services, and items, as defined in Art. 102.017(d-1). If a county has a justice court located in a building other than a courthouse, \$1 is deposited in the justice court building security fund, which may only be used for security personnel, services, and items for use at that justice court building.

### Justice Court Technology Fund

- **Authorizing Statute:** Code of Criminal Procedure Art. 102.0173
- **Amount:** \$4
- **Assessed When:** Upon conviction of **any** offense.
- **Disposition:** Sent to the county treasurer for deposit in the justice court technology fund, which can only be used for technological enhancement and education for justice courts, as defined in Art. 102.0173(d).

### Justice Court Dishonored Check or Similar Sight Order Fee

- **Authorizing Statute:** Code of Criminal Procedure Art. 102.0071
- **Amount:** Not to exceed \$30
- **Assessed When:** Upon conviction of Issuance of Bad Check (Penal Code § 32.41), Forgery (Penal Code § 32.21), Theft or Theft of Service (Penal Code §§ 31.03, 31.04) where the offense was committed by issuing, forging, or passing a check or similar sight order that was later dishonored.
- **Disposition:** Given to the merchant that processed the check, as provided by Business & Commerce Code § 3.506.

### Juvenile Case Manager (JCM) Fee

- **Authorizing Statute:** Code of Criminal Procedure Art. 102.0174
- **Amount:** Not to exceed \$5
- **Assessed When:** Upon conviction of **any** offense.
  - **Note** – *this fee can only be assessed in a county which employs a juvenile case manager and where the commissioners court has approved the amount of the fee.*
- **Disposition:** May be used to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of a juvenile case manager. If there is money in the fund after those costs are paid, the JCM may use the fund as directed by Art. 102.0174(g).
  - **Note** – *The fund may not be used to supplement the income of an employee whose primary role is not that of a juvenile case manager.*

c. **Criminal Court Cost Chart – Offense Date Before January 1, 2020**



OCA is required by statute to publish a list of all court costs. Charts published by OCA, including separate charts for offenses before and after January 1, 2020, may be found at the [Texas Courts website](#).

**B. Chart of Offenses with Fine Range Other Than \$1-500**

This chart is not to be a complete resource, as hundreds and hundreds of offenses exist. Rather, this is a collection of some common (and some not-so-common) offenses that aren't standard Class C misdemeanors, arranged in code alphabetical order. We recommend reviewing the statute listed in the table for full information. **A list of code abbreviations used is found after the chart.**

<b>Offense Title</b>	<b>Statute</b>	<b>Fine Range</b>
Use of Board Funds for Political Purposes	AgC 41.104	\$1-1000
Unlawful Transportation of Hemp	AgC 122.360	\$1-1000
Violation of Chapter 132 – Eggs	AgC 132.082	\$50-1000
Driving Stock to Market Without Bill of Sale or Sworn List	AgC 146.006	\$1-2000
Transporting Animals Without Permit or With Fraudulent Permit	AgC 146.008 (a)(1-3)	\$25-200 per animal
Failure to Register as a Slaughterer	AgC 148.061	\$5-25
Selling Imported Meat Without Following Requirements	AgC 150.003	\$25-200
Selling Alcohol Without Paying Permit Fee	ABC 11.38; 61.36	\$10-200
Failing to Post On-Premises Consumption Warning Sign	ABC 26.05; 71.10	\$1-25
Consuming Alcoholic Beverage on Unlawful Premises	ABC 101.72	\$25-200
Deceptive Wholesale or Going-Out-of-Business Advertising	BCC 17.11	\$100-500
Deceptive Advertising	BCC 17.12	\$10-200
Sale of Unlawful Item at Flea Market	BCC 201.003	\$1-100



<b>Offense Title</b>	<b>Statute</b>	<b>Fine Range</b>
Exporting Articles Without Required Inspection	BCC 203.001	\$1-100
Liquefied Petroleum Gas Container Violations	BCC 2002.005	\$25-200
Failing to Respond to Inquest Hearing Jury Summons	CCP 49.14(c)	\$1-100
Parent Contributing to Nonattendance	EdC 25.093	1 <sup>st</sup> off. \$1-100, increases on subsequent offenses.
Organizational Hazing	EdC 37.153	\$5000-10,000
General Higher Education Provision Violation	EdC 51.208	\$1-200
Violation of Marriage License Chapter by County Clerk	FC 2.012; 2.405	\$200-500
Failing to Return a Marriage License	FC 2.206	\$200-500
Conducting Marriage on Expired License	FC 2.207	\$200-500
Performing Abortion on Minor Without Parental Notice	FC 33.002	\$1-10,000
Contracting for, Charging, or Receiving Excessive Interest	FiC 305.008	\$1-1000
Willful Violation by Pawnshop License Holder	FiC 371.305	\$1-1000
Furnishing False Information About Credit	FiC 391.002	\$1-200
Debt Collection Violation	FiC 302.402	\$100-500
Purchase of Lottery Ticket by Minor	GC 466.3051	\$1-250
Nepotism Violation by Public Official	GC 573.084	\$100-1000
Collection of Debt for Another by Peace Officer	GC 614.041	\$200-500
State Retirement System Fraud Violations	GC 811.102	\$100-5,000
Possess, Consume, Purchase, Accept, or Misrepresent Age to Obtain Tobacco Product by a Minor	HSC 161.253	\$1-100
Performing Abortion Without Informed Consent	HSC 171.018	\$1-10,000
Operating, Establishing, Conducting, or Managing a Hospital Without a License	HSC 241.057	\$1-100
Operating, Establishing, Conducting, or Managing a Nursing Home Without a License	HSC 242.064	\$1-1000
Failing to Allow Qualified Customer Access to Employee Restroom	HSC 341.069	\$1-100

<b>Offense Title</b>	<b>Statute</b>	<b>Fine Range</b>
Unabated Public Nuisance	HSC 343.012	\$50-200
Violation of Bakery Standards	HSC 434.008	\$25-200
Violation of Food Service Item Sanitation Standards	HSC 438.018	\$5-100
Violation of Food Service Employee Standards	HSC 438.036	\$10-200
Grave Depth Violation	HSC 714.001	\$100-200
Fail to Cover Well, Cistern, or Hole	HSC 756.001- .002	\$100-500
Leaving Refrigerator or Container Accessible to Children	HSC 756.013	\$5-200
Owning a Residential High-Rise in Violation of Fire Regs	HSC 766.056	\$1-10,000
Denying Access to a Search and Rescue Dog	HSC 785.003	\$300-1000
Fire Escape Obstruction or Violation	HSC 791.052	\$20-50
Allowing Certain Dogs or Coyotes to Run At Large	HSC 822.012	\$1-100
Unlawful Appointment of Deputy Constable	LGC 86.011	\$50-1000
Failure by Official to Provide Required Report to Auditor	LCG 114.003	\$25-200
Soliciting Patients	OC 102.051	\$100-200
Appointment or Retention of Unqualified Peace Officer	OC 1701.551	\$100-1000
Towing or Booting Violation	OC 2308.405	\$500-1500
Trespass by Handgun License Holder	PC 30.05 (d-3); 30.06; 30.07	\$1-200
General Parks & Wildlife Code Class C Misdemeanor	PWC 12.406	\$25-500
Required Numbering	PWC 31.021	\$100-500
Required Numbering – Expired Registration Decal	PWC 31.032	\$100-500
Excessive Speed (Boat)	PWC 31.095	\$100-500
Taking Off, Landing, or Maneuvering Aircraft on Road	TC 24.021	\$25-200
Nonpayment of Toll on Written Notice	TC 228.0547(c)	\$1-250
Nonpayment of Toll by Nonresident on Written Notice	TC 372.105(c)	\$1-250
Violation of Highway Beautification Act	TC 391.003; 391.031;	\$500-1000

<b>Offense Title</b>	<b>Statute</b>	<b>Fine Range</b>
	391.061; 391.067; 391.121	
Salvage Yard Violations	TC 396.024; 396.045	\$100-500
Disregarding Warning Signs or Barricades	TC 472.022	\$1-200
General Registration Violation (Including Over Registered Weight)	TC 502.471	\$1-200
Wrong, Altered, or Obscured Registration Insignia	TC 502.475	\$1-200
Operation of Vehicle With Wrong or No License Plate	TC 504.943- .945	\$1-200
Failure to Carry Driver's License on Demand	TC 521.025	\$1-200
General Rules of the Road Violation	TC 542.401	\$1-200
Failure to Yield Right of Way Causing Injury	TC 542.4045(1)	\$500-2000
Failure to Yield Right of Way Causing Serious Injury	TC 542.4045(2)	\$1000-4000
Unlawful Passing of School Bus	TC 545.066	\$500-1250
Failure to Yield to Train Warning or Stop at Crossing	TC 545.251- .253	\$50-200
Child Passenger Safety System Violation	TC 545.412	\$25-250
Failure to Wear Safety Belt	TC 545.413(a)	\$25-50
Operating Vehicle With Unbelted Passenger Under 16	TC 545.413(b)	\$100-200
Operating Pickup With Person Under 18 in Open Bed	TC 545.414	\$25-200
Carrying Person Under 5 on Motorcycle or Moped	TC 545.416	\$100-200
Operation of Vehicle by Minor Using Wireless Communication Device	TC 545.424	\$25-99
Operation of Vehicle While Using Wireless Communication Device for Electronic Messaging	TC 545.4251	\$25-99
Emissions System Violation	TC 547.605; 548.306	\$1-350
Window Tint Installation Violation by Business	TC 547.613	\$1-1000

<b>Offense Title</b>	<b>Statute</b>	<b>Fine Range</b>
Violation of Motor Vehicle Liability Insurance Requirement	TC 601.191	\$175-350
Single Axle, Tandem Axle, and Gross Weight Violations	TC 621.506(b)	See Crim. Deskbook Ch. 11
Other Weight Violations	TC 621.506(a)	\$100-250
No Motorcycle Helmet	TC 661.003(h)	\$10-50
Disabled Parking Violations	TC 681.011	\$500-750
Transportation of Loose Material Violations	TC 725.003	\$25-500
Sale of Master Key for Motor Vehicle Ignition	TC 728.011	\$25-200
Selling Personal Information to Unauthorized Recipient	TC 730.0122	\$1-100,000
Unlawful Resale or Redisclosure of Personal Information	TC 730.013	\$1-100,000
Failure to Delete Personal Information Within One Year	TC 730.016	\$1-100,000

AgC – Agriculture Code

ABC – Alcoholic Beverage Code

BCC – Business & Commerce Code

CCP – Code of Criminal Procedure

EdC – Education Code

FC – Family Code

FiC – Finance Code

GC – Government Code

HSC – Health & Safety Code

LGC – Local Government Code

OC – Occupations Code

PC – Penal Code

PWC – Parks & Wildlife Code

TC – Transportation Code

## **C. List of Cases**

*Weir v. State*, 278 S.W.3d 364 (Tex. Crim. App. 2009)