**Texas Code of Criminal Procedure (TCCrP)**

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| TCCrP Art.12.02 (a)(2)*2 year statute of limitations for Class C misdemeanors except AFV, which now has 3 year statute of limitations* | Art. 12.02. MISDEMEANORS.(a) Except as provided by Subsection (b), the following charging instruments may be presented within two years from the date of the commission of the offense, and not afterward:(2) a complaint or information for any Class C misdemeanor.(b) An indictment, information, or complaint, as applicable, for assault under Section 22.01, Penal Code, may be presented within three years from the date of the commission of the offense, and not afterward, if the offense:(1) is punishable as a misdemeanor; and(2) was committed against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code. |
| TCCrP Art.14.06 (b)*Tickets must flag alternatives to payment* | Art. 14.06. MUST TAKE OFFENDER BEFORE MAGISTRATE.(b) A peace officer who is charging a person, including a child, with committing an offense that is a Class C misdemeanor, other than an offense under Section 49.02, Penal Code, may, instead of taking the person before a magistrate, issue a citation to the person that contains:(1) written notice of the time and place the person must appear before a magistrate;(2) the name and address of the person charged;(3) the offense charged;(4) information regarding the alternatives to the full payment of any fine or costs assessed against the person, if the person is convicted of the offense and is unable to pay that amount; and |
| TCCrP Art. 27.14(b)*The Court shall flag alternatives to payment following guilty / nolo plea* | Art. 27.14. PLEA OF GUILTY OR NOLO CONTENDERE IN MISDEMEANOR.(b) A defendant charged with a misdemeanor for which the maximum possible punishment is by fine only may, in lieu of the method provided in Subsection (a), mail or deliver in person to the court a plea of “guilty” or a plea of “nolo contendere” and a waiver of jury trial. The defendant may also request in writing that the court notify the defendant, at the address stated in the request, of the amount of an appeal bond that the court will approve. If the court receives a plea and waiver before the time the defendant is scheduled to appear in court, the court shall dispose of the case without requiring a court appearance by the defendant. If the court receives a plea and waiver after the time the defendant is scheduled to appear in court but at least five business days before a scheduled trial date, the court shall dispose of the case without requiring a court appearance by the defendant. The court shall notify the defendant either in person or by regular mail of the amount of any fine or costs assessed in the case, information regarding the alternatives to the full payment of any fine or costs assessed against the defendant, if the defendant is unable to pay that amount, and, if requested by the defendant, the amount of an appeal bond that the court will approve. Except as otherwise provided by this code, the defendant shall pay any fine or costs assessed or give an appeal bond in the amount stated in the notice before the 31st day after receiving the notice. This subsection does not apply to a defendant charged with a misdemeanor involving family violence, as defined by Section 71.004, Family Code. |
| TCCrP Art.45.014 *Flag alternatives to payment before issuing FTA warrant**Recall warrants when accused voluntarily appears + good faith effort to resolve warrant* | Art. 45.014. WARRANT OF ARREST.(e) A justice or judge may not issue an arrest warrant for the defendant's failure to appear at the initial court setting, including failure to appear as required by a citation issued under Article 14.06(b), unless:(1) the justice or judge provides by telephone or regular mail to the defendant notice that includes:(A) a date and time, occurring within the 30-day period following the date that notice is provided, when the defendant must appear before the justice or judge;(B) the name and address of the court with jurisdiction in the case;(C) information regarding alternatives to the full payment of any fine or costs owed by the defendant, if the defendant is unable to pay that amount;(D) a statement that the defendant may be entitled to a credit toward any fine or costs owed by the defendant if the defendant was confined in jail or prison after the commission of the offense for which the notice is given; and(E) an explanation of the consequences if the defendant fails to appear before the justice or judge as required by this article; and(2) the defendant fails to appear before the justice or judge as required by this article.(f) A defendant who receives notice under Subsection (e) may request an alternative date or time to appear before the justice or judge if the defendant is unable to appear on the date and time included in the notice.(g) A justice or judge shall recall an arrest warrant for the defendant's failure to appear if the defendant voluntarily appears and makes a good faith effort to resolve the arrest warrant before the warrant is executed. |
| TCCrP Art.45.016*Personal bonds – default**Cash bonds – only if (1) FTA + (2) sufficient income + (3) bail bond is necessary* | Art. 45.016. PERSONAL BOND; BAIL BOND.(a) The justice or judge may require the defendant to give a personal bond to secure the defendant's appearance in accordance with this code.(b) The justice or judge may not, either instead of or in addition to the personal bond, require a defendant to give a bail bond unless:(1) the defendant fails to appear in accordance with this code with respect to the applicable offense; and(2) the justice or judge determines that:(A) the defendant has sufficient resources or income to give a bail bond; and(B) a bail bond is necessary to secure the defendant's appearance in accordance with this code. |
| TCCrP Art.45.019*Insufficient complaints* | Art. 45.019. REQUISITES OF COMPLAINT.(a) A complaint is sufficient, without regard to its form, if it substantially satisfies the following requisites:(1) it must be in writing;(2) it must commence “In the name and by the authority of the State of Texas”;(3) it must state the name of the accused, if known, or if unknown, must include a reasonably definite description of the accused;(4) it must show that the accused has committed an offense against the law of this state, or state that the affiant has good reason to believe and does believe that the accused has committed an offense against the law of this state;(5) it must state the date the offense was committed as definitely as the affiant is able to provide;(6) it must bear the signature or mark of the affiant; and(7) it must conclude with the words “Against the peace and dignity of the State” and, if the offense charged is an offense only under a municipal ordinance, it may also conclude with the words “Contrary to the said ordinance”.(b) A complaint filed in justice court must allege that the offense was committed in the county in which the complaint is made.(c) A complaint filed in municipal court must allege that the offense was committed in the territorial limits of the municipality in which the complaint is made.(d) A complaint may be sworn to before any officer authorized to administer oaths. |
| TCCrP Art. 45.020(a): *Can appear by counsel for uncontested hearings* | Art. 45.020. APPEARANCE BY COUNSEL.(a) The defendant has a right to appear by counsel as in all other cases. |
| TCCrP Art. 45.0201: *Can appear by telephone or video if undue hardship* | Art. 45.0201. APPEARANCE BY TELEPHONE OR VIDEOCONFERENCE. If the justice or judge determines that requiring a defendant to appear before the justice or judge in person for a hearing under Article 45.0445 or 45.045 would impose an undue hardship on the defendant, the justice or judge may allow the defendant to appear by telephone or videoconference. |
| TCCrP Art.45.041*Judge shall inquire whether defendant is able to immediately pay fines and costs. If unable to immediately pay, payment plan, community service, and/or waiver available.**Restitution not to exceed $5k.**Jail credit law****shall credit******no less than $150/day*** | Art. 45.041. JUDGMENT.(a-1) Notwithstanding any other provision of this article, during or immediately after imposing a sentence in a case in which the defendant entered a plea in open court as provided by Article 27.14(a) or 27.16(a), the justice or judge shall inquire whether the defendant has sufficient resources or income to immediately pay all or part of the fine and costs. If the justice or judge determines that the defendant does not have sufficient resources or income to immediately pay all or part of the fine and costs, the justice or judge shall determine whether the fine and costs should be:(1) subject to Subsection (b-2), required to be paid at some later date or in a specified portion at designated intervals;(2) discharged by performing community service under, as applicable, Article 45.049, Article 45.0492, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011, or Article 45.0492, as added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature, Regular Session, 2011;(3) waived in full or in part under Article 45.0491; or(4) satisfied through any combination of methods under Subdivisions (1)-(3).(b) Subject to Subsections (b-2) and (b-3) and Article 45.0491, the justice or judge may direct the defendant:(1) to pay:(A) the entire fine and costs when sentence is pronounced;(B) the entire fine and costs at some later date; or(C) a specified portion of the fine and costs at designated intervals;(2) if applicable, to make restitution to any victim of the offense; and(3) to satisfy any other sanction authorized by law.(b-1) Restitution made under Subsection (b)(2) may not exceed $5,000 for an offense under Section 32.41, Penal Code.(b-2) When imposing a fine and costs, if the justice or judge determines that the defendant is unable to immediately pay the fine and costs, the justice or judge shall allow the defendant to pay the fine and costs in specified portions at designated intervals.[ . . . ](c) The justice or judge shall credit the defendant for time served in jail as provided by Article 42.03. The credit under this subsection shall be applied to the amount of the fine and costs at the rate provided by Article 45.048.(c-1) In addition to credit under Subsection (c), in imposing a fine and costs in a case involving a misdemeanor punishable by a fine only, the justice or judge shall credit the defendant for any time the defendant was confined in jail or prison while serving a sentence for another offense if that confinement occurred after the commission of the misdemeanor. The credit under this subsection shall be applied to the amount of the fine and costs at the rate of not less than $150 for each day of confinement. |
| TCCrP Art. 45.0445*Indigency hearing upon request* | Art. 45.0445. RECONSIDERATION OF SATISFACTION OF FINE OR COSTS.(a) If the defendant notifies the justice or judge that the defendant has difficulty paying the fine and costs in compliance with the judgment, the justice or judge shall hold a hearing to determine whether the judgment imposes an undue hardship on the defendant.(b) For purposes of Subsection (a), a defendant may notify the justice or judge by:(1) voluntarily appearing and informing the justice or judge or the clerk of the court in the manner established by the justice or judge for that purpose;(2) filing a motion with the justice or judge;(3) mailing a letter to the justice or judge; or(4) any other method established by the justice or judge for that purpose.(c) If the justice or judge determines at the hearing under Subsection (a) that the judgment imposes an undue hardship on the defendant, the justice or judge shall consider whether to allow the defendant to satisfy the fine and costs through one or more methods listed under Article 45.041(a-1). |
| TCCrP Art.45.045(a-3)*Inquire into ability to pay at show cause hearing* | Art. 45.045. CAPIAS PRO FINE.(a-3) If the justice or judge determines at the hearing under Subsection (a-2) that the judgment imposes an undue hardship on the defendant, the justice or judge shall determine whether the fine and costs should be satisfied through one or more methods listed under Article 45.041(a-1). The justice or judge retains jurisdiction for the purpose of making a determination under this subsection. |
| TCCrP Art.45.049*Community Service**Wide discretion – “any similar activity” catch-all**At the rate of no less than $100 per 8 hours of community service ($12.50/hour)* | Art. 45.049. COMMUNITY SERVICE IN SATISFACTION OF FINE OR COSTS.(a) A justice or judge may require a defendant who fails to pay a previously assessed fine or costs, or who is determined by the court to have insufficient resources or income to pay a fine or costs, to discharge all or part of the fine or costs by performing community service. A defendant may discharge an obligation to perform community service under this article by paying at any time the fine and costs assessed.(b) In the justice's or judge's order requiring a defendant to perform community service under this article, the justice or judge must specify:(1) the number of hours of community service the defendant is required to perform; and(2) the date by which the defendant must submit to the court documentation verifying the defendant's completion of the community service.(c) The justice or judge may order the defendant to perform community service under this article:(1) by attending:(A) a work and job skills training program;(B) a preparatory class for the high school equivalency examination administered under Section 7.111, Education Code;(C) an alcohol or drug abuse program;(D) a rehabilitation program;(E) a counseling program, including a self-improvement program;(F) a mentoring program; or(G) any similar activity; or(2) for:(A) a governmental entity;(B) a nonprofit organization or another organization that provides services to the general public that enhance social welfare and the general well-being of the community, as determined by the justice or judge; or(C) an educational institution.(c-1) An entity that accepts a defendant under this article to perform community service must agree to supervise, either on-site or remotely, the defendant in the performance of the defendant's community service and report on the defendant's community service to the justice or judge who ordered the service.(d) A justice or judge may not order a defendant to perform more than 16 hours per week of community service under this article unless the justice or judge determines that requiring the defendant to perform additional hours does not impose an undue hardship on the defendant or the defendant's dependents.(e) A defendant is considered to have discharged not less than $100 of fines or costs for each eight hours of community service performed under this article. |
| Art. 45.0491*Waiver of Fines =Indigent + Undue Hardship in Completing Community Service**Undue Hardship Considerations**+ any other factors the court determines relevant**Waiver of Costs = Indigent or Child* | Art. 45.0491. WAIVER OF PAYMENT OF FINES AND COSTS FOR CERTAIN DEFENDANTS AND FOR CHILDREN.(a) A municipal court, regardless of whether the court is a court of record, or a justice court may waive payment of all or part of a fine imposed on a defendant if the court determines that:(1) the defendant is indigent or does not have sufficient resources or income to pay all or part of the fine or was, at the time the offense was committed, a child as defined by Article 45.058(h); and(2) discharging the fine under Article 45.049 or as otherwise authorized by this chapter would impose an undue hardship on the defendant.[ . . . ](c) A determination of undue hardship made under Subsection (a)(2) is in the court's discretion. In making that determination, the court may consider, as applicable, the defendant's:(1) significant physical or mental impairment or disability;(2) pregnancy and childbirth;(3) substantial family commitments or responsibilities, including child or dependent care;(4) work responsibilities and hours;(5) transportation limitations;(6) homelessness or housing insecurity; and(7) any other factors the court determines relevant.(d) A municipal court, regardless of whether the court is a court of record, or a justice court may waive payment of all or part of the costs imposed on a defendant if the court determines that the defendant:(1) is indigent or does not have sufficient resources or income to pay all or part of the costs; or(2) was, at the time the offense was committed, a child as defined by Article 45.058(h). |
| TCCrP Art. 45.051*Alternatives apply to deferred dispositions too!* | Art. 45.051. SUSPENSION OF SENTENCE AND DEFERRAL OF FINAL DISPOSITION.(a) On a plea of guilty or nolo contendere by a defendant or on a finding of guilt in a misdemeanor case punishable by fine only and payment of all court costs, the judge may defer further proceedings without entering an adjudication of guilt and place the defendant on probation for a period not to exceed 180 days. In issuing the order of deferral, the judge may impose a fine on the defendant in an amount not to exceed the amount of the fine that could be imposed on the defendant as punishment for the offense. The fine may be collected at any time before the date on which the period of probation ends. The judge may elect not to impose the fine for good cause shown by the defendant. If the judge orders the collection of a fine under this subsection, the judge shall require that the amount of the fine be credited toward the payment of the amount of any fine imposed by the judge as punishment for the offense. An order of deferral under this subsection terminates any liability under a bond given for the charge.(a-1) Notwithstanding any other provision of law, as an alternative to requiring a defendant charged with one or more offenses to make payment of all fines and court costs as required by Subsection (a), the judge may:(1) allow the defendant to enter into an agreement for payment of those fines and costs in installments during the defendant's period of probation;(2) require an eligible defendant to discharge all or part of those fines and costs by performing community service or attending a tutoring program under Article 45.049 or under Article 45.0492, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011;(3) waive all or part of those fines and costs under Article 45.0491; or(4) take any combination of actions authorized by Subdivision (1), (2), or (3). |
| TCCrP Art. 103.0031(j)*Collection letters must include information about alternatives to payment* | Art. 103.0031. COLLECTION CONTRACTS.(j) A communication to the accused person regarding the amount of payment that is acceptable to the court under the court's standard policy for resolution of a case must include:(1) a notice of the person's right to enter a plea or go to trial on any offense charged; and(2) a statement that, if the person is unable to pay the full amount of payment that is acceptable to the court, the person should contact the court regarding the alternatives to full payment that are available to resolve the case. |
| TCCrP Art. 103.0081*Fines and fees uncollectible after 15 years* | Art. 103.0081. UNCOLLECTIBLE FINES AND FEES.(a) Any officer authorized by this chapter to collect a fine, reimbursement or other fee, or item of cost may request the trial court in which a criminal action or proceeding was held to make a finding that a fine, reimbursement or other fee, or item of cost imposed in the action or proceeding is uncollectible if the officer believes:(1) the defendant is deceased;(2) the defendant is serving a sentence for imprisonment for life or life without parole; or(3) the fine, reimbursement or other fee, or item of cost has been unpaid for at least 15 years. |

**Texas Transportation Code**

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| Texas Transportation Code Ch. 706.005(5)*OmniBase holds can be lifted upon entry into suitable arrangement / court’s discretion* | Sec. 706.005. CLEARANCE NOTICE TO DEPARTMENT.(5) other suitable arrangement to pay the fine and cost within the court's discretion. |
| Texas Transportation Code Ch. 706.006(d)*OmniBase fees waivable for indigence; presumption of indigence when individual receives enumerated means-tested government benefits* | Sec. 706.006. PAYMENT OF REIMBURSEMENT FEE.(d) If the court having jurisdiction over the underlying offense makes a finding that the person is indigent, the person may not be required to pay a reimbursement fee under this section. For purposes of this subsection, a person is presumed to be indigent if the person:(1) is required to attend school full time under Section 25.085, Education Code;(2) is a member of a household with a total annual income that is below 125 percent of the applicable income level established by the federal poverty guidelines; or(3) receives assistance from:(A) the financial assistance program established under Chapter 31, Human Resources Code;(B) the medical assistance program under Chapter 32, Human Resources Code;(C) the supplemental nutrition assistance program established under Chapter 33, Human Resources Code;(D) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786; or(E) the child health plan program under Chapter 62, Health and Safety Code. |