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Fines, Fees, and Costs

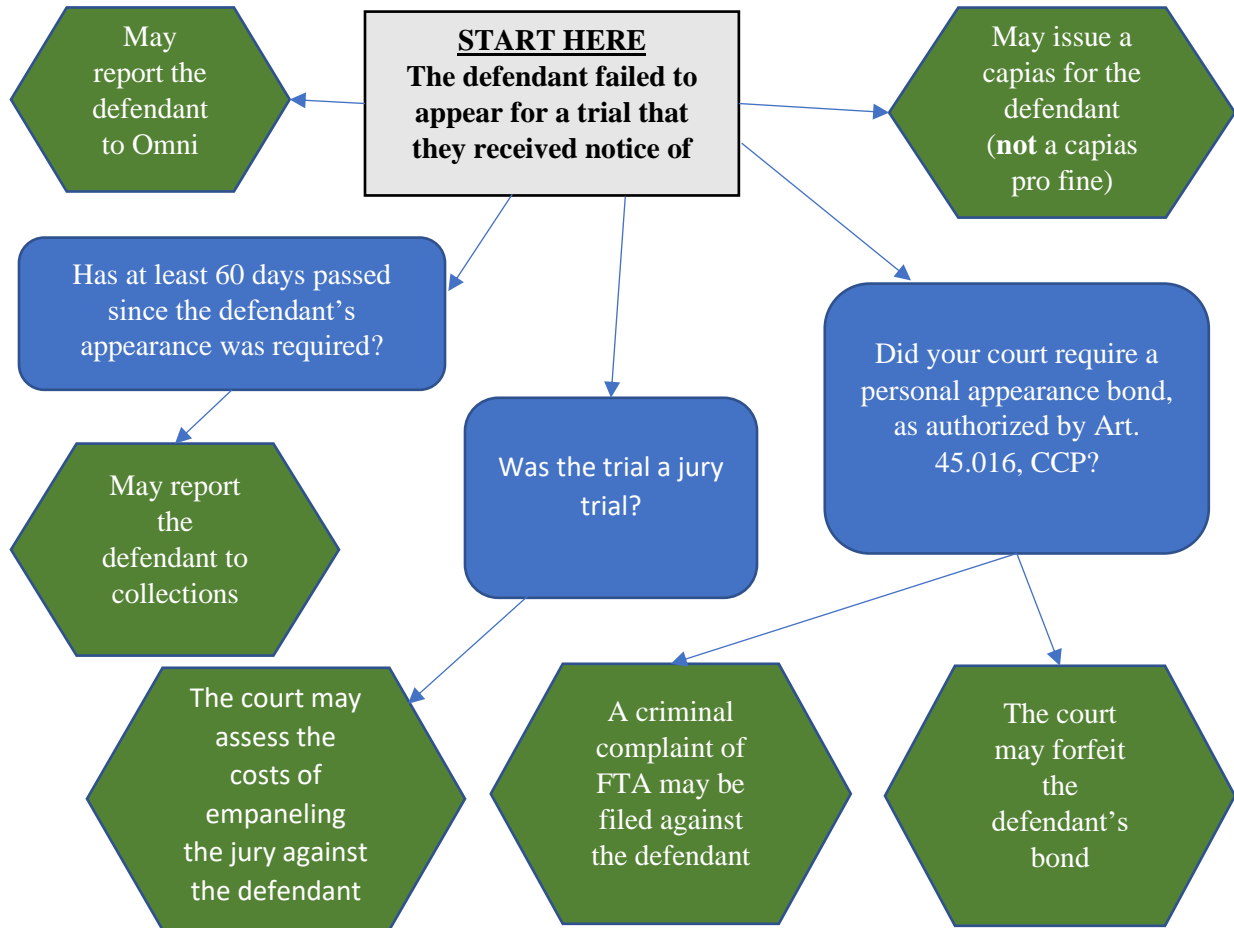
[Criminal Court Costs Chart, Cheat Sheet, and FAQ](#)

Failure to Appear to Enter a Plea

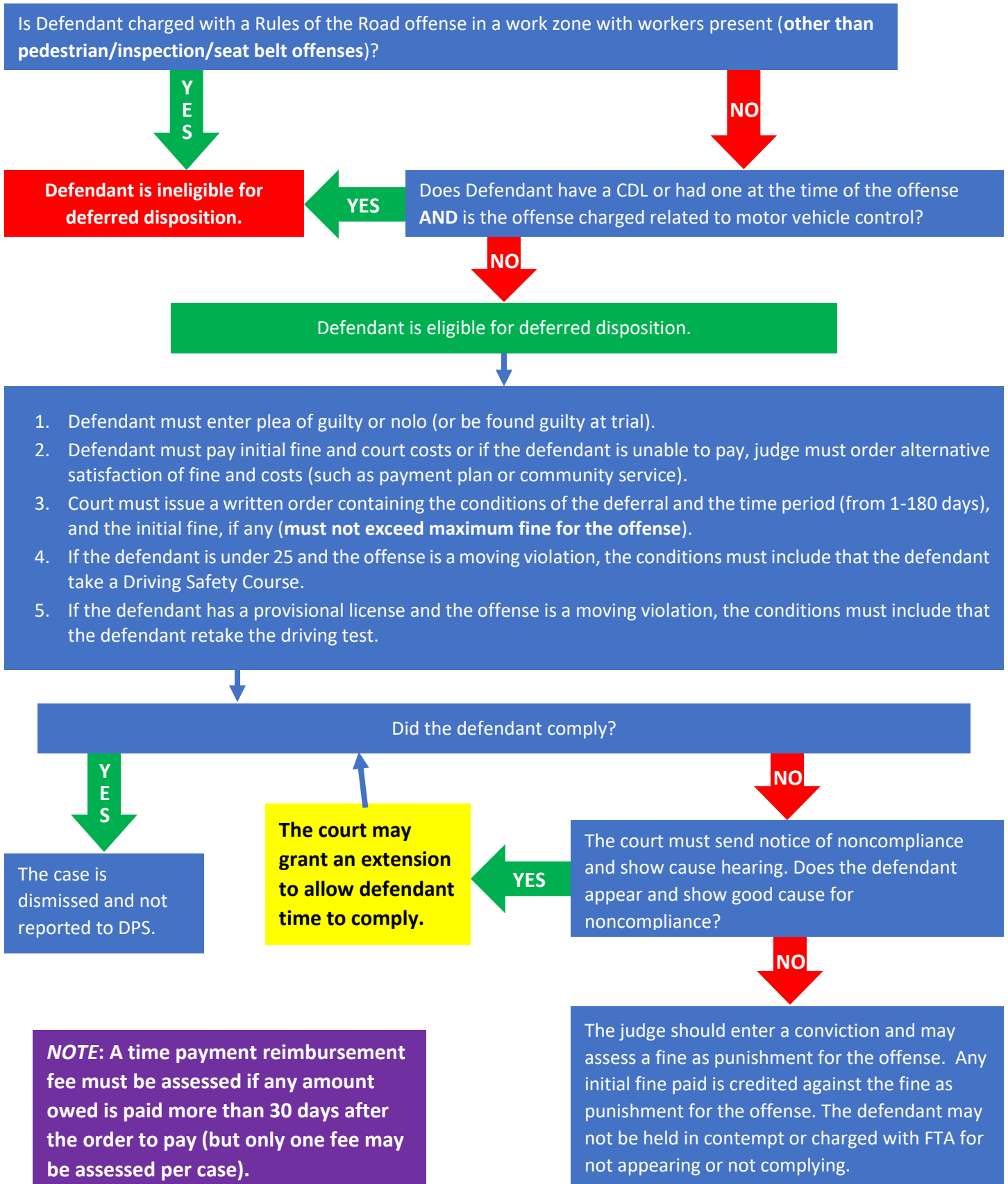


Failure to Appear for Criminal Trial

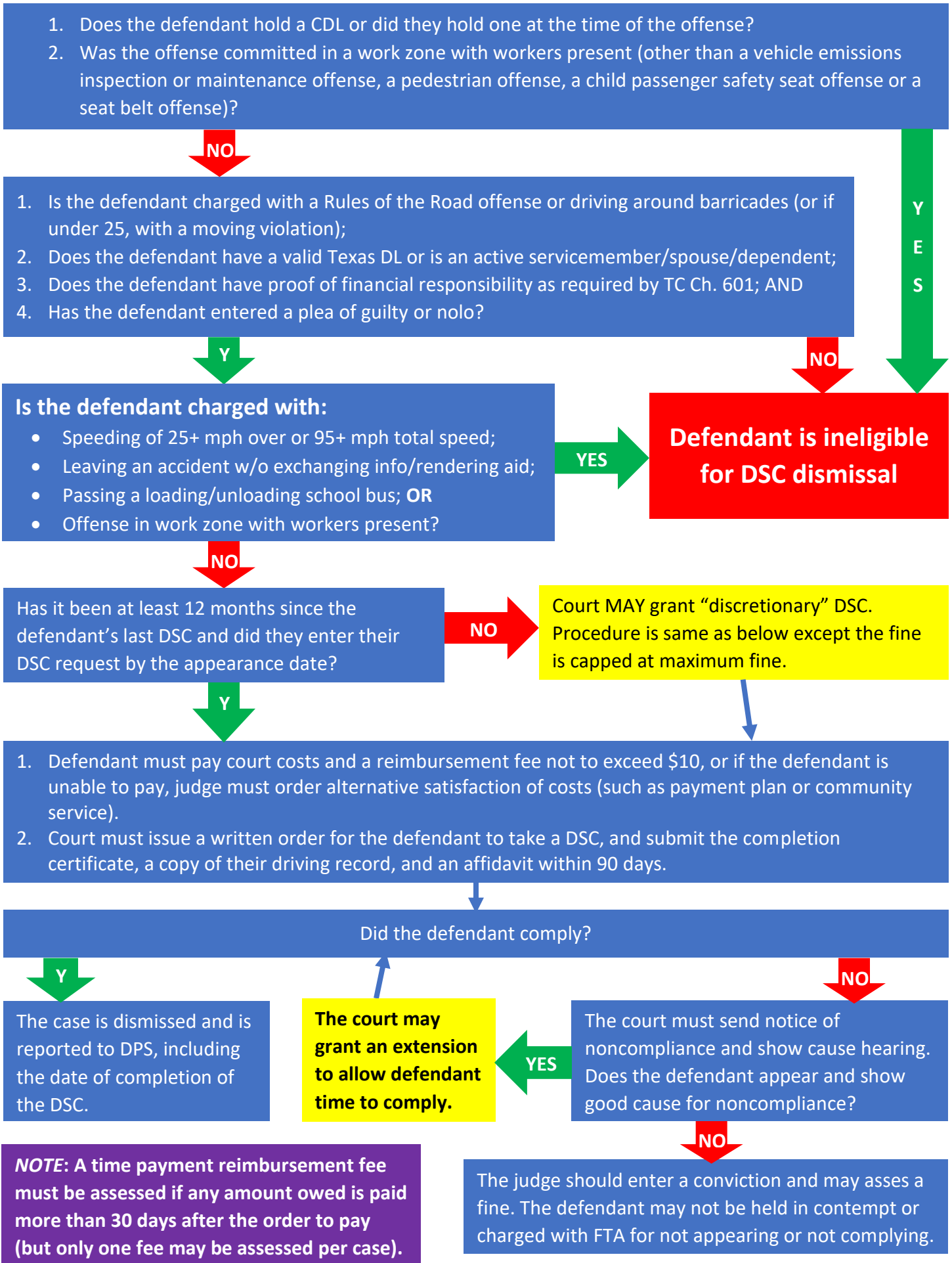
To use this charts, begin in the silver box. The blue boxes are a filter to see if the remedies in the green boxes can be used by the court.



Deferred Disposition



DSC Dismissal

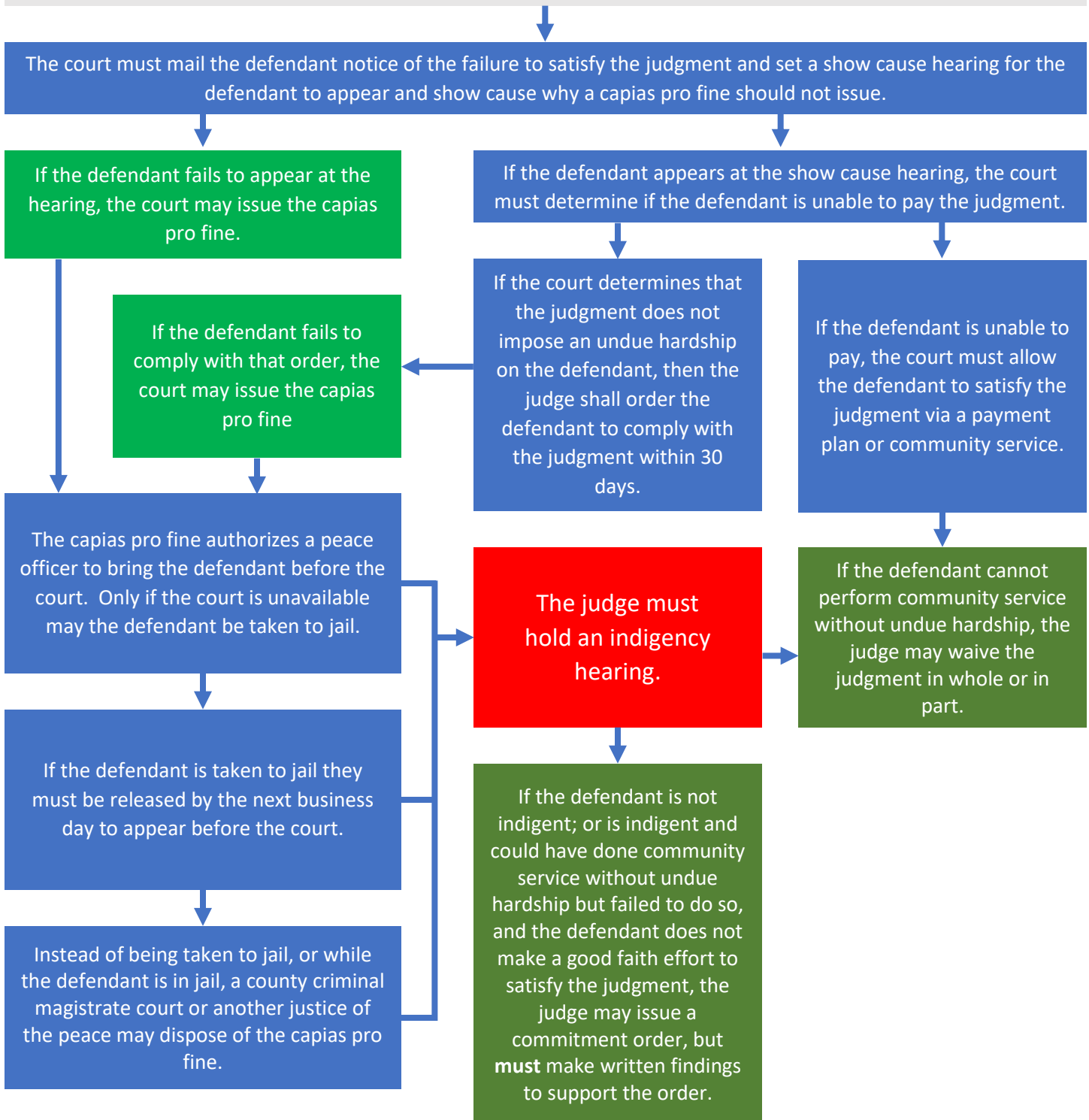


Capias Pro Fine

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The defendant fails to satisfy a judgment.

If the defendant was under 17 at the time of the offense, please see the *Juvenile Deskbook* for more information.



IMPORTANT NOTE

The court must recall any capias pro fine if before it is executed the defendant:

- (1) notifies the court they are having difficulty paying the fine and costs; or
- (2) voluntarily appears and makes a good faith effort to resolve the capias pro fine.

CMV & CDL Offense Chart

Offense Title	Code Section	Fine Range	Dismiss w/o State Motion?
Failure to Have CDL or CDL Permit in Possession While Driving CMV	TC 522.011	\$1 - 500; \$1 - 1000 if conviction in past year	Needs motion; court may assess an administrative fee of up to \$10 if dismissed on proof of having CDL or Permit valid at the time of the offense.
Operate CMV in Violation of Endorsement	TC 522.042	\$1 - 500	No
Operate CMV in Violation of Restriction	TC 522.043	\$1 - 500	No
Equipment Violation in Personal Vehicle by a CDL holder	TC 547.004	\$1 - 200	Yes, if remedied before first court appearance; fine of up to \$10.
Equipment Violation in Commercial Vehicle	TC 547.004	\$1 - 200	No
No Insurance in Personal Vehicle by a CDL holder	TC 601.191	\$175 - 350; \$350 - 1000 if previous conv.	Yes, if defendant produces insurance that was valid at the time of the offense.
No Insurance in Commercial Vehicle or No Insurance on File with DPS for Commercial Vehicle	TC 643.103	\$1 - 500	No
Failure to Register CMV or Carry Cab Card	TC 643.253	\$1 - 500	No
Violation of Regulation Adopted under Admin. Code (i.e., no medical certificate, using wireless device)	TC 644.151	\$1 - 500	No
Operation of CMV at Weight Greater than Registered	TC 502.412	\$1 - 200	No
Failure to Carry Registration Receipt	TC 621.501	\$1 - 200	No

CMV & CDL Weight Offense Chart

Offense Title	Code Section	Fine Range
Single Axle Weight Heavier than 20K lbs. or Tandem Axle Weight Heavier than 34K lbs. <i>Less than 2500 lbs. over</i> <i>2,500 – 5,000 lbs. over</i> <i>More than 5,000 lbs. over</i>	TC 621.101(a)(1),(2)* ^ TC 621.506	\$100 - 500 \$500 - \$1,000 \$1,000 - \$2,500
Overall Gross Weight on Consecutive Axles Heavier than Allowed by Statute Formula	TC 621.101(a)(3) TC 621.506	\$100-250
Tires Carrying Weight Higher than Rating	TC 621.101(a)(4) TC 621.506	\$100-250
Gross Weight on Consecutive Axles over 80K lbs. <i>Less than 2500 lbs. over</i> <i>2,500 – 5,000 lbs. over</i> <i>5,001 – 10K lbs. over</i> <i>10,001 – 20K lbs. over</i> <i>20,001 – 40K lbs. over</i> <i>More than 40K lbs. over</i>	TC 621.101(b) * TC 621.506	\$100 - 500 \$500 - 1,000 \$1,000 - 2,500 \$2,500 - 5,000 \$5,000 - 7,000 \$7,000 - 10,000
Violation of County Load Limit	TC 621.301; TC 621.507	\$1 - 200

NOTES

*On conviction of a third offense within one year of a previous conviction of any offense marked with a * in this chart, the maximum fine may be doubled.

^ On conviction of a violation of an axle weight limitation, the court may assess a fine less than the applicable minimum amount if the court finds that when the violation occurred, the vehicle was registered to carry the maximum gross weight authorized for that vehicle under Section 621.101; and the gross weight of the vehicle did not exceed that maximum gross weight.

A defendant convicted of operating a vehicle or combination of vehicles at a weight:

- a. for which an issued permit could have authorized the operation, but who does not hold the permit, **or**
- b. in excess of 84,000 pounds with a load that can reasonably be dismantled,

shall be punished, **in addition to the above fine**, by a fine of not less than \$500 or more than \$1,000, or if there is a previous conviction, the offense is punishable by an additional fine of not less than \$2,500 or more than \$5,000.

Comparison of Deferred Disposition and Driving Safety Course Dismissals

	Deferred Disposition	Driving Safety Course
Authorizing Statute	CCP Art. 45.051	CCP Art. 45.0511
Up to Court's Discretion?	Yes	Not if defendant meets "mandatory" eligibility requirements
Eligible Offenses	Everything except Disqualified Offenses listed below	Rules of the Road except Disqualified Offenses listed below For Defendants <25 years old, Moving Violations except Disqualified Offenses below
Disqualified Offenses	Offenses related to motor vehicle control committed by CDL holders Rules of the Road offenses (other than inspection and seat belt offenses and offenses committed by pedestrians) committed in work zones with workers present	Speeding ≥ 25 mph over limit Speeding ≥ 95 mph total speed Passing school bus loading/unloading children Leaving scene of accident without exchanging info Failing to stop and render aid after injury accident Any offense committed by person holding a CDL or who held one at time of offense

Expunction Chart

Record Type	Procedure & Requirements	Fee	Authorizing Statute
Dismissals/ Acquittals (Defendant under 17)	<p>The case has been dismissed or the defendant was acquitted, and the defendant was under 17 years of age at the time of the offense.</p> <p>Applicant files sworn application in writing with the court in which the offense was pending.</p>	\$30	Art. 45.0216(h), Code of Criminal Procedure
Arrest Records Related to ABC Offense	<p>The defendant is now 21 years of age and has only one arrest for an offense under Ch. 106, ABC. <i>Noncustodial arrests (citations) count as arrests.</i></p> <p>Applicant files sworn application with the court where they were charged with the offense.</p>	\$30	Sec. 106.12, Alcoholic Beverage Code
Convictions of ABC Offense	<p>The defendant is now 21 years of age and has only one conviction under Ch. 106, ABC. Deferrals or juvenile court adjudications do not count as convictions.</p> <p>Applicant files sworn application with the convicting court.</p>	\$30	Sec. 106.12, Alcoholic Beverage Code
Off-Premises Alcohol Consumption (ABC § 101.72)	<p>A defendant who has had only one conviction within 12 months may apply after the first anniversary of the conviction to the convicting court to have the conviction expunged.</p>	\$0	Sect. 101.73, Alcoholic Beverage Code
Convictions of Fine-Only Misdemeanor (Defendant under 17)	<p>The defendant had only one conviction of a fine-only misdemeanor before their 17th birthday (other than ABC or tobacco offenses) and is now 17.</p> <p>Applicant files with the convicting court. Application must be sworn and written.</p>	\$30	Art. 45.0216(b), Code of Criminal Procedure
Convictions of Tobacco- Related Offense	<p>The defendant applies to the convicting court to have the conviction expunged on or after their 21st birthday.</p>	\$30	Sec. 161.255, Health & Safety Code

Expunction Chart

<p>Conviction of “sexting” offense</p>	<p>The defendant has only one conviction of an offense under Penal Code Sec. 43.261, was never adjudicated by a juvenile court as having engaged in the same conduct, and is now 17.</p> <p>Applicant files sworn, written application with the convicting court.</p>	<p>\$30</p>	<p>Art. 45.0216(b), (f), Code of Criminal Procedure</p>
<p>Arrest Records Related to Fine-Only Misdemeanors Not Resulting in Conviction or Acquittal (Adult defendants)</p>	<ul style="list-style-type: none"> • Offense is no longer pending, did not result in conviction, no other charges resulting from the arrest are pending, and at least 180 days has elapsed since arrest; • Prosecutor recommends expunction before trial of offense; or • Defendant convicted is subsequently acquitted by court of appeals or court of criminal appeals or pardoned. <p>Applicant files petition described by Art. 55.02, Sec. 2(b) with any court in the county in which the defendant was arrested or in which the offense was alleged to occur.</p>	<p>\$100*</p>	<p>Arts. 55.01, 55.02, 102.006, Code of Criminal Procedure</p>
<p>Arrest Records Related to Acquittals (Adult defendants)</p>	<p>Trial court must notify defendant of right to expunction upon acquittal. Defendant or prosecutor can make request. Defendant’s attorney prepares expunction order, if defendant is pro se, prosecutor does.</p> <p>Request can be made with trial court or petition described by Art. 55.02, Sec. 2(b) with any court in the county in which the defendant was arrested or in which the offense was alleged to occur.</p>	<p>\$0^</p>	<p>Arts. 55.01, 55.02, 102.006, Code of Criminal Procedure</p>

* Court may return all or a portion of this fee to the applicant.

^ Fee is only waived if petition is filed within 30 days of acquittal. If not, fee is \$100, though the court may return all or a portion of this fee to the applicant.

Parks & Wildlife Offense Dismissal Chart

Offense	Conditions of Dismissal	Reimbursement Fee
<p>Operating or Giving Permission to Operate a Vessel Without a Valid Certificate of Number. P&WC 31.021, 31.127</p>	<p>Defendant remedies the defect by the 10th working day after the date of the offense. Certificate must not have been expired for more than 60 days.</p>	<p>Not to exceed \$10</p>
<p>Failing to Have Photo ID and identification card and either:</p> <ul style="list-style-type: none"> • a boater identification card issued by the department; or • proof of completion of the requirements to obtain a vessel operator's license issued by the United States Coast Guard. <p>P&WC 31.109</p>	<p>Defendant produces document that was valid at the time of the offense; or</p> <p>Defendant requests orally or in writing, not later than the 10th day after the date of the alleged offense, permission to take a boater education course. The court shall defer proceedings and allow the person 90 days to present written evidence that the person has successfully completed the course.</p>	<p>No fee</p>
<p>Failing to Display Required Hunting License. P&WC 42.024</p>	<p>Defendant produces on or before trial a document that was valid at the time of the offense.</p>	<p>No fee</p>
<p>Fails or Refuses to Show Fishing License or Tag on Request. P&WC 46.015</p>	<p>Defendant produces for the court or the prosecuting attorney a document that was valid at the time of the offense.</p>	<p>No fee</p>

Parks & Wildlife Offense Dismissal Chart

<p>Failing to Possess the Required Hunter's Education Certificate. P&WC 62.014</p>	<p>Defendant requests orally or in writing, not later than the 10th day after the date of the alleged offense, permission to take a hunter safety training course. The court shall defer proceedings and allow the person 90 days to present written evidence that the person has successfully completed the course.</p> <p>NOTE: Presenting a document that was valid at the time of the offense is a defense to prosecution, but does not allow the court to dismiss on its own motion; but the court may dismiss on a motion from the prosecutor.</p>	<p>No fee</p>
<p>Fails or Refuses to Show Proper Trapping License. P&WC 71.011</p>	<p>Defendant produces on or before trial a proper license that was issued to the person and valid at the time of the offense.</p>	<p>No fee</p>

COMPLIANCE DISMISSALS

Offense	Conditions of the Dismissal	Reimbursement Fee
<p>Failure to Maintain Financial Responsibility (FMFR) (No Insurance)</p> <p>TC 601.191</p>	<p>Defendant shows insurance policy valid at the time of the offense. TC 601.193</p>	<p>None</p>
<p>Operation of Motor Vehicle with Expired License Plate</p> <p>TC 502.407</p>	<p>Defendant remedies no later than 20 working days after offense or by appearance date, whichever is later <i>and</i> pays to DMV the delinquent registration fee required by TC 502.045.</p>	<p>Not to exceed \$20</p>
<p>Operation of Vehicle Without Registration Insignia (No Registration Sticker)</p> <p>TC 502.473</p>	<p>Defendant remedies the defect by the defendant's first court appearance date or shows that a registration insignia was issued for that time period and the insignia has been attached to the vehicle.</p>	<p>Not to exceed \$10</p>
<p>Wrong Registration Insignia (due to Wrong Registration Period)</p> <p>TC 502.475(a)(3)</p>	<p>Defendant remedies the defect before the defendant's first court appearance.</p>	<p>Not to exceed \$10</p>
<p>Operation of Vehicle Without License Plate (Includes Improper Placement, and Failure to Display Two Plates)</p> <p>TC 504.943</p>	<p>Defendant remedies the defect before the defendant's first court appearance.</p>	<p>Not to exceed \$10</p>
<p>Wrong, Fictitious, Altered, or Obscured License Plate</p> <p>TC 504.945</p>	<p>Defendant remedies the defect before the defendant's first court appearance and shows that the vehicle was issued a plate by the department that was attached to the vehicle, establishing that the vehicle was registered for the period during which the offense was committed.</p>	<p>Not to exceed \$10</p>

COMPLIANCE DISMISSALS

Offense	Conditions of the Dismissal	Reimbursement Fee
<p>Failure to Carry and Exhibit Driver's License on Demand TC 521.025</p>	<p>Defendant produces in court a driver's license issued to that person, appropriate for the type of vehicle operated, and valid at the time of the arrest for the offense.</p>	<p>Not to exceed \$10</p>
<p>Driving with an Expired Driver's License TC 521.026</p>	<p>Defendant remedies within 20 working days after the offense or before the appearance date, whichever is later.</p>	<p>Not to exceed \$20</p>
<p>Failure to Change Name or Address on Driver's License TC 521.054</p>	<p>Defendant remedies the defect not later than the 20th working day after the date of the offense.</p>	<p>Not to exceed \$20 <i>(court may waive in the interest of justice)</i></p>
<p>Violation of Restrictions on Driver's License TC 521.221</p>	<p>Court may dismiss if: (1) the restriction was imposed due to a physical condition that was surgically or medically corrected before the date of the offense; or the restriction was imposed in error and that fact is established by defendant; <i>and</i> (2) the department removes the restriction or endorsement by the defendant's first court appearance.</p>	<p>Not to exceed \$10</p>
<p>Operating a vehicle (or an owner permitting another to operate a vehicle) that is unsafe or violates equipment standards and requirements or is illegally equipped. TC 547.004</p>	<p>Defendant remedies the defect before the defendant's first court appearance.</p>	<p>Not to exceed \$10</p>

Consequences for Alcohol-Related Offenses Committed by Minors (Under 21 Years Old) Chapter 106, Alcoholic Beverage Code (ABC)

OFFENSE	FIRST CONVICTION	SECOND CONVICTION	THIRD OR SUBSEQUENT CONVICTION
Purchase of Alcohol by Minor § 106.02, ABC	<u>§ 106.071, ABC:</u>	<u>§ 106.071, ABC:</u>	<u>§ 106.071, ABC:</u>
Attempt to Purchase Alcohol by Minor § 106.025, ABC	<ul style="list-style-type: none"> Fine: \$1 - \$500 (Class C Misdemeanor) Alcohol/drug awareness program pursuant to § 106.115, ABC 	<ul style="list-style-type: none"> Fine: \$1 - \$500 (Class C Misdemeanor) Optional for Court: Alcohol/drug awareness program pursuant to § 106.115, ABC 	<ul style="list-style-type: none"> Court only has jurisdiction if defendant is under age 17 Fine: \$1 - \$500 (Class C Misdemeanor) Optional for Court: Alcohol/drug awareness program pursuant to § 106.115, ABC
Consumption of Alcohol by Minor § 106.04, ABC	<ul style="list-style-type: none"> Community service: 8-12 hours 	<ul style="list-style-type: none"> Community service: 20-40 hours 	<ul style="list-style-type: none"> Suspend or deny issuance of license/permit for 180 days (Order to DPS; takes effect on the 11th day after conviction)
Possession of Alcohol by Minor §106.05, ABC	<ul style="list-style-type: none"> Suspend or deny issuance of license/permit for 30 days (Order to DPS; takes effect on the 11th day after conviction) 	<ul style="list-style-type: none"> Suspend or deny issuance of license/permit for 60 days (Order to DPS; takes effect on the 11th day after conviction) 	NOT eligible for deferred disposition if offense is Consumption of Alcohol (§ 106.04, ABC)
Misrepresentation of Age by Minor § 106.07, ABC			
Public Intoxication by Minor § 49.02, Penal Code			
DUI by Minor § 106.041, ABC	<u>§ 106.041, ABC:</u> <ul style="list-style-type: none"> Fine: \$1-\$500 (Class C Misdemeanor) Alcohol/drug awareness program pursuant to § 106.115, ABC Community service: 20-40 hours (License automatically suspended upon arrest by DPS – Court does not order) 	<u>§ 106.041, ABC:</u> <ul style="list-style-type: none"> Fine: \$1-\$500 (Class C Misdemeanor) Optional for court: Alcohol/drug awareness program pursuant to § 106.115, ABC Community service: 40-60 hours (License automatically suspended upon arrest by DPS – court does not order) 	<u>§ 106.041, ABC:</u> <ul style="list-style-type: none"> Court only has jurisdiction if defendant is under age 17 Fine: \$1 - \$500 (Class C Misdemeanor) Optional for Court: Alcohol/drug awareness program pursuant to § 106.115, ABC Community service: 40-60 hours (License automatically suspended upon arrest by DPS – court does not order) NOT eligible for deferred disposition

NOTE: For the purpose of counting the number of convictions to determine which column applies, the following are considered “convictions:”

-A prior adjudication in juvenile court under Title 3, Family Code, that a minor engaged in this conduct.

-A prior order of deferred disposition for the offense.

Except that for the purpose of determining if the alcohol/drug awareness program is mandatory or discretionary, only “actual convictions” count.

NOTE: Community service must be related to education about or prevention of misuse of alcohol/drugs, or, if programs/services providing that education are not available, the court may order community service that it considers appropriate for rehabilitative purposes. In some cases, **additional** community service may be ordered in lieu of an awareness program, pursuant to the requirements of § 106.115.



Consequences for Alcohol-Related Offenses Committed by Minors (Under 21 Years Old) Chapter 106, Alcoholic Beverage Code (ABC)

Deferred Disposition for Alcohol-Related Cases Involving Minors – § 106.071; 106.115, ABC

If a minor is placed on deferred disposition for an offense to which § 106.071, ABC, applies, the court SHALL order the minor to perform community service as set out on the chart above.

If a minor is placed on deferred disposition for an offense under § 49.02, Penal Code, or § 106.02, .025, .04, .041, .05, or .07, ABC, the court SHALL order the minor to complete an alcohol/drug awareness program as set out on the chart above.

For any case where a minor is placed on deferred disposition, any reasonable condition MAY be ordered, which could include community service and/or an alcohol/drug awareness program even when one or both of those is not required.

Result of Completing or Not Completing Alcohol/Drug Awareness Course After Final Conviction – § 106.115, ABC

If the defendant **presents the required evidence** of successful completion of the required alcohol/drug awareness program (or *extra* community service in lieu of program where allowed) within 90 days from final conviction (but the court may extend for an additional 90 days for good cause), the court **MAY** reduce the assessed fine to an amount equal to no less than 1/2 of the amount of the initial fine.

If the defendant **does not** present the required evidence within the prescribed period, the court:

- (1) **SHALL** order the Department of Public Safety to suspend/deny issuance of the defendant's driver's license/permit for up to six months; or for up to one year if the defendant has been previously convicted of an offense under one or more of the Code sections listed on the chart above. (*Note: This is in addition to any suspension as a result of conviction as described in the chart above.*)
- (2) **MAY** order the defendant or the parent, managing conservator, or guardian of the defendant to do any act or refrain from doing any act if the court determines that this will increase the likelihood that the defendant will present evidence to the court of satisfactory completion of the alcohol/drug awareness program (or the *extra* community service in lieu of the program where allowed).

Expunction of Conviction or Arrest Records – § 106.12, ABC

Conviction: Any person convicted of only one violation of any offense under Chapter 106 while a minor, on attaining the age of 21 years, may have that conviction, together with all complaints, verdicts, sentences, prosecutorial and law enforcement records, and other documents relating to the offense, expunged from their record (after paying a \$30 application fee). For purposes of expunctions, deferrals do NOT count as convictions.

Arrest Records: Any person placed under a custodial or noncustodial arrest for only one violation of any offense under Chapter 106 while a minor (and not convicted of that offense), may have the records of that arrest, including all complaints, verdicts, prosecutorial and law enforcement records, and other documents relating to the violation, expunged from their record (after paying a \$30 application fee).

Note: An offense of Public Intoxication by a Minor does not count toward the number of offenses/arrests here and can only be expunged under Art. 45.0216 or Ch. 55, Code of Criminal Procedure.

Alcohol/Drug Awareness Programs (For Alcoholic Beverage Code § 106.115 Requirement)

- DADAP: Online drug and alcohol awareness program approved by the Texas Department of Licensing and Regulation (\$50): http://www.dadaponline.com/state_approval.html
- Alive at 25 Texas: Online and in person courses on alcohol, texting, and traffic: <http://aliveat25texas.com/>
- More information and resources: <https://www.tabc.state.tx.us/education/>
- Live database to search for approved programs throughout the state (note that this link may be temporarily or permanently down): <https://www.tdlr.texas.gov/court-ordered/oep/oep.htm>

Community Service Options for Alcohol/Drug Cases or Issues

When ordering community service for an Alcoholic Beverage Code offense or a public intoxication by a minor offense, the court will have to determine if a particular community service option is “related to education about or prevention of misuse of alcohol/drugs” as required for those offenses. If such an option is not available, then for all of the alcohol offenses except DUI by a Minor, the court may instead order community service that it determines is “appropriate for rehabilitative purposes”. (ABC § 106.041, 106.071)

Even when there are no specific requirements for the type of community service that must be ordered, rehabilitative options are always a good idea when community service is ordered in any alcohol/drug case or other type of case where alcohol/drugs were clearly an issue.

Some Creative Community Service Ideas:

- Tutorial/community service/education program at the minor’s school
 - Related in some way to drug/alcohol prevention or at least the fostering of positive behaviors
 - During lunch or after school (reduces off-campus and/or unsupervised time)
- Teen Leadership program
 - 12 week class run by Juvenile Case Managers
 - Life/coping skills; Parent component
- Write letters based on hypothetical scenarios and potentially read them in open court:
 - You were killed in an alcohol/drug related accident. Write a letter to your parents and read it to them.
 - You caused an accident while using alcohol/drugs and the other driver is paralyzed. Write an apology letter to that person.
 - Your parents are killed by a drunk driver. Write a statement about how this will impact you and what you think the sentence should be for the drunk driver.
- Watch an assigned documentary or do research on an assigned topic and then write an essay regarding the dangers of misuse of alcohol and/or drugs.
- Attend an AA Open Meeting and write an essay.

Examples Where Some of the Above Ideas Have Been Implemented:

- City of Cedar Park: <http://www.cedarparktexas.gov/modules/showdocument.aspx?documentid=410>
- Community Service Project Options – Council on Alcohol and Drug Abuse (Dallas): <http://dallascouncil.org/programs/community-service-project-options/>

Additional Orders for Juveniles and Their Parents

After finding that a child has committed an offense within its jurisdiction, the justice court may enter additional orders for the juvenile and/or the parents.

CCP Article 45.057 (b),(c),(d)

Applies to offenses the juvenile is convicted of or offenses where the juvenile gets deferred disposition.

The orders need to be **reasonable** and should be **related to the offense** the juvenile committed

1. Refer the child or parent(s) to Early Youth Intervention Services (Found in Family Code 264.302). Services Include:

Crisis Family Intervention

Emergency short-term residential care for children 10 years of age or older

Family Counseling

Parent Skills Training

Advocacy Training

Mentoring

2. Require the child to attend a special program the court determines to be in the best interest of the child. Programs include:

Rehabilitation

Counseling

Self-Esteem and Leadership

Work and Job Skills Training

Interviewing and Work Preparation

Self - Improvement

Parenting

Manners

Violence Avoidance

Tutoring

Sensitivity Training

Parental Responsibility

Community Service

Restitution

Advocacy

Mentoring

3. Require the child's parent(s) do any act or refrain from doing any act the court determines will increase the likelihood that the child will comply with the order of the court and that is reasonable and necessary for the welfare of the child, including:

Attend a parenting class or parental responsibility program

Attend the child's school classes or functions

4. Order the parent of a child required to attend a program to pay up to \$100 for the costs of the program.

5. Require the child and/or parent required to attend a program, class, or function to submit proof of attendance.

Additional Orders Allowed:

Lunch detention or require the juvenile to stay on campus during lunch.

Teen leadership program or other programs run by juvenile case managers in the county.

Order parents to remove TV's, cell phone, and video games from the juvenile's room.

Restrict times the juvenile can text or access the internet.



Expunction Chart

Record Type	Procedure & Requirements	Fee	Authorizing Statute
Dismissals/ Acquittals (Defendant under 17)	<p>The case has been dismissed or the defendant was acquitted, and the defendant was under 17 years of age at the time of the offense.</p> <p>Applicant files sworn application in writing with the court in which the offense was pending.</p>	\$30	Art. 45.0216(h), Code of Criminal Procedure
Arrest Records Related to ABC Offense	<p>The defendant is now 21 years of age and has only one arrest for an offense under Ch. 106, ABC. <i>Noncustodial arrests (citations) count as arrests.</i></p> <p>Applicant files sworn application with the court where they were charged with the offense.</p>	\$30	Sec. 106.12, Alcoholic Beverage Code
Convictions of ABC Offense	<p>The defendant is now 21 years of age and has only one conviction under Ch. 106, ABC. Deferrals or juvenile court adjudications do not count as convictions.</p> <p>Applicant files sworn application with the convicting court.</p>	\$30	Sec. 106.12, Alcoholic Beverage Code
Off-Premises Alcohol Consumption (ABC § 101.72)	<p>A defendant who has had only one conviction within 12 months may apply after the first anniversary of the conviction to the convicting court to have the conviction expunged.</p>	\$0	Sect. 101.73, Alcoholic Beverage Code
Convictions of Fine-Only Misdemeanor (Defendant under 17)	<p>The defendant had only one conviction of a fine-only misdemeanor before their 17th birthday (other than ABC or tobacco offenses) and is now 17.</p> <p>Applicant files with the convicting court. Application must be sworn and written.</p>	\$30	Art. 45.0216(b), Code of Criminal Procedure
Convictions of Tobacco- Related Offense	<p>The defendant applies to the convicting court to have the conviction expunged on or after their 21st birthday.</p>	\$30	Sec. 161.255, Health & Safety Code

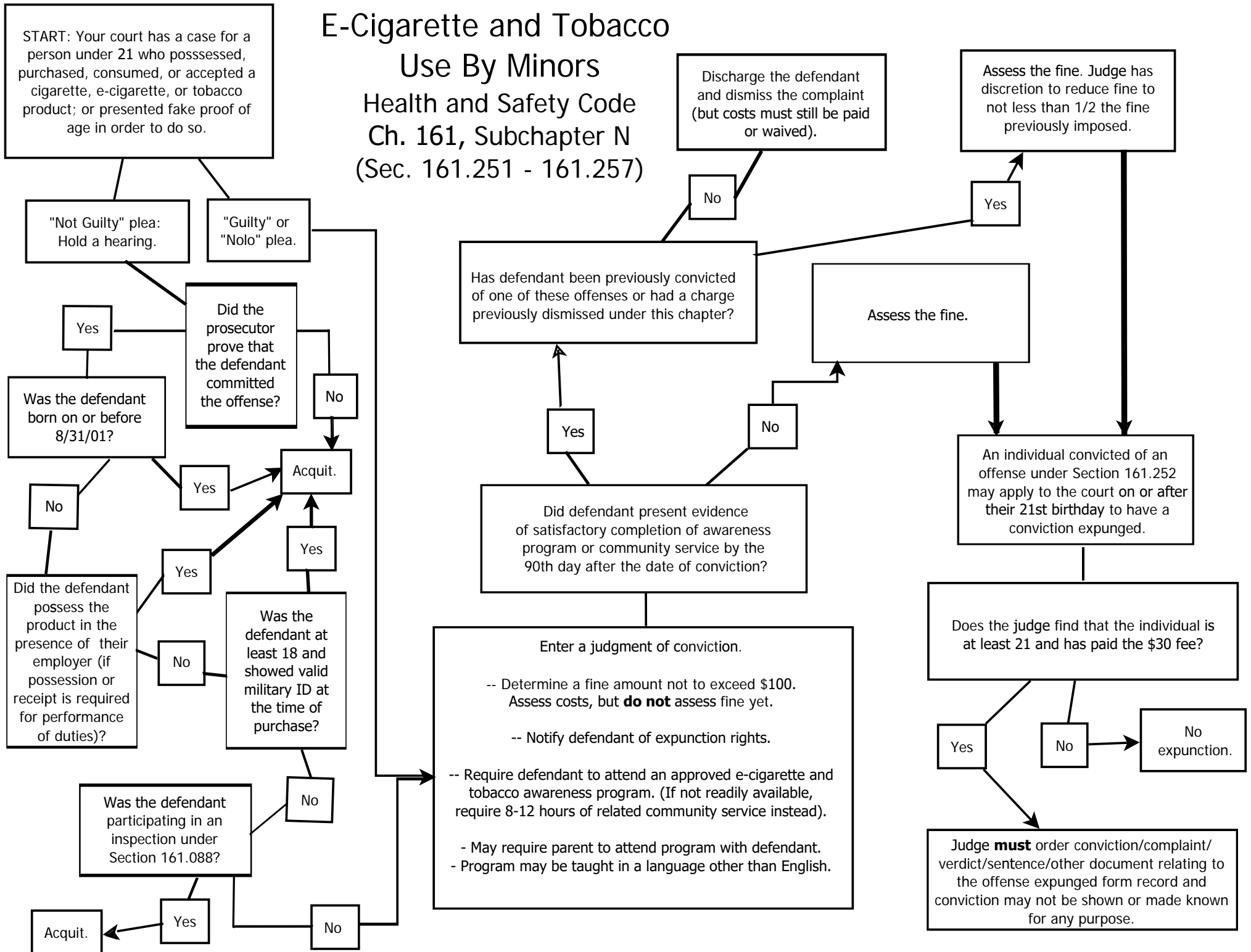
Expunction Chart

<p>Conviction of “sexting” offense</p>	<p>The defendant has only one conviction of an offense under Penal Code Sec. 43.261, was never adjudicated by a juvenile court as having engaged in the same conduct, and is now 17.</p> <p>Applicant files sworn, written application with the convicting court.</p>	<p>\$30</p>	<p>Art. 45.0216(b), (f), Code of Criminal Procedure</p>
<p>Arrest Records Related to Fine-Only Misdemeanors Not Resulting in Conviction or Acquittal (Adult defendants)</p>	<ul style="list-style-type: none"> • Offense is no longer pending, did not result in conviction, no other charges resulting from the arrest are pending, and at least 180 days has elapsed since arrest; • Prosecutor recommends expunction before trial of offense; or • Defendant convicted is subsequently acquitted by court of appeals or court of criminal appeals or pardoned. <p>Applicant files petition described by Art. 55.02, Sec. 2(b) with any court in the county in which the defendant was arrested or in which the offense was alleged to occur.</p>	<p>\$100*</p>	<p>Arts. 55.01, 55.02, 102.006, Code of Criminal Procedure</p>
<p>Arrest Records Related to Acquittals (Adult defendants)</p>	<p>Trial court must notify defendant of right to expunction upon acquittal. Defendant or prosecutor can make request. Defendant’s attorney prepares expunction order, if defendant is pro se, prosecutor does.</p> <p>Request can be made with trial court or petition described by Art. 55.02, Sec. 2(b) with any court in the county in which the defendant was arrested or in which the offense was alleged to occur.</p>	<p>\$0^</p>	<p>Arts. 55.01, 55.02, 102.006, Code of Criminal Procedure</p>

* Court may return all or a portion of this fee to the applicant.

^ Fee is only waived if petition is filed within 30 days of acquittal. If not, fee is \$100, though the court may return all or a portion of this fee to the applicant.

E-Cigarette and Tobacco Use By Minors Health and Safety Code Ch. 161, Subchapter N (Sec. 161.251 - 161.257)



START: Your court has a case for a person under 21 who possessed, purchased, consumed, or accepted a cigarette, e-cigarette, or tobacco product; or presented fake proof of age in order to do so.

"Not Guilty" plea: Hold a hearing.

"Guilty" or "Nolo" plea.

Did the prosecutor prove that the defendant committed the offense?

Was the defendant born on or before 8/31/01?

Did the defendant possess the product in the presence of their employer (if possession or receipt is required for performance of duties)?

Was the defendant at least 18 and showed valid military ID at the time of purchase?

Was the defendant participating in an inspection under Section 161.088?

Has defendant been previously convicted of one of these offenses or had a charge previously dismissed under this chapter?

Did defendant present evidence of satisfactory completion of awareness program or community service by the 90th day after the date of conviction?

Enter a judgment of conviction.

- Determine a fine amount not to exceed \$100. Assess costs, but **do not** assess fine yet.
- Notify defendant of expunction rights.
- Require defendant to attend an approved e-cigarette and tobacco awareness program. (If not readily available, require 8-12 hours of related community service instead).
- May require parent to attend program with defendant.
- Program may be taught in a language other than English.

Discharge the defendant and dismiss the complaint (but costs must still be paid or waived).

Assess the fine. Judge has discretion to reduce fine to not less than 1/2 the fine previously imposed.

Assess the fine.

An individual convicted of an offense under Section 161.252 may apply to the court on or after their 21st birthday to have a conviction expunged.

Does the judge find that the individual is at least 21 and has paid the \$30 fee?

No expunction.

Judge **must** order conviction/complaint/verdict/sentence/other document relating to the offense expunged from record and conviction may not be shown or made known for any purpose.

TJCTC FEES & COSTS CHEAT SHEET

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**.

Rules of the Road offense (other than parking/pedestrian): \$129



Parking/Pedestrian Rules of the Road offense: \$67



Parking/Pedestrian Non-Rules of the Road offense: \$14








Parent Contributing to Non-Attendance (Ed. Code 25.093): \$96



Other Fine-Only Misdemeanors: \$76



-  ➤ State Consolidated Court Cost (\$62) – LGC 133.102(a)(3)
-  ➤ Local Consolidated Court Cost (\$14) – LGC 134.103(a)
-  ➤ State Traffic Fine (\$50) – TC 542.4031
-  ➤ Local Traffic Fine (\$3) – TC 542.403
-  ➤ Child Safety Fund Fine (\$20) – CCP 102.014(d)

What are Rules of the Road offenses?

Offenses found in Title 7, Subtitle C of the Transportation Code (Chapter 541-600)

In addition to the amounts on the above chart, courts shall assess the following fees & costs:

TJCTC FEES & COSTS CHEAT SHEET

- **\$5 Arrest Reimbursement Fee (CCP 102.011(a))** – assessed against defendant on conviction/deferral if peace officer made a warrantless arrest or issued a notice to appear (ticket/citation).
- **\$50 Warrant Reimbursement Fee (CCP 102.011(a))** – assessed against defendant on conviction/deferral if law enforcement agency processed or executed an arrest warrant.
- **\$2 Transaction Fee (CCP 102.072)** – assessed against a defendant on each transaction relating to collection of amounts assessed by the court. *Only assessed if the commissioners court has approved the fee.*
- **\$25 Child Safety Fund Fine (CCP 102.014)** – assessed against a defendant on conviction/deferral for Passing a School Bus (TC 545.066) or for any Rules of the Road offense occurring in a school zone. *This fine is only assessed in a municipality.*

OTHER FEES AND COSTS NOTES

- Special expense fees assessed on deferred disposition, fees assessed on compliance dismissals, and the administrative fee on discretionary DSC are considered “fines” effective Jan. 1, 2020, regardless of the offense date. The administrative fee on mandatory DSC is now termed as a “reimbursement fee.”
- The Omni reimbursement fee is \$10, effective Jan. 1, 2020.
- Effective Jan. 1, 2020, the Time Payment Reimbursement Fee is \$15, and is entirely retained by the county. The time payment reimbursement fee applies not only to convictions, but also to any DSC or deferred disposition orders signed on or after Sept. 1, 2021, if the defendant pays any amount due more than 30 days after the order to pay. Note, however that only one time payment reimbursement fee may be assessed per case.
- There is no longer a separate Juvenile Case Manager Fee. Instead, on offenses committed after Jan. 1, 2020, \$5 of the \$14 Local Consolidated Court Cost will go into the local truancy prevention and diversion fund, which can be used by counties to fund salaries, expenses, benefits, training, etc. of juvenile case managers.
- Effective **September 1, 2019**, the Justice Court Technology Fund can be used to pay salaries and benefits for court personnel, as well as training expense for judges and court personnel, even if the training is not technology related.
- Effective January 1, 2020, courts may no longer collect the \$30 “hot check fee” authorized by Business & Commerce Code 3.506.
- For offenses committed on or after January 1, 2020, the additional \$3 fee assessed when the defendant is convicted by a jury is no longer assessed.

TJCTC FEES & COSTS CHEAT SHEET

What about offenses that occur before Sept. 1, 2019?

In justice court, costs that are *assessed on conviction* are based on the date of the *offense*, rather than the date of the *conviction*. Therefore, if the offense date is before Sept. 1, 2019, you would assess the costs that are currently in effect, regardless of when the conviction actually occurs.

What about offenses that occur on or after Sept. 1, 2019, but before Jan. 1, 2020?

The only change for these offenses compared to current costs is that the State Traffic Fine will increase from \$30 to \$50 (and the \$3 Local Traffic Cost will be a fine rather than a cost). The comptroller will be instructing courts to “hold” any of the STF collections they receive in September (at the new \$50 amount, with reduced 4% service fee) until they have the quarterly form revised and available for the 4th quarter reporting, where they’ll actually have 4 months of the new collection (Sept-Dec) instead of the usual three months.

What version of the Omni Reimbursement Fee or Time Payment Reimbursement Fee do we assess?

Omni Reimbursement Fees and Time Payment Reimbursement Fees are not assessed on conviction, rather they are assessed when the “triggering event” occurs. The court applies the law that is in effect when the triggering event occurs. So you apply the new Omni Reimbursement Fee (\$10) and Time Payment Reimbursement Fee (\$15) anytime those fees are assessed on or after Jan. 1, 2020, regardless of when the offense occurred or the conviction or deferral occurred.

Do the State Traffic Fine and Local Traffic Fine count against the maximum fine for the offense?

The State Traffic Fine will change to \$50 on offenses occurring after September 1, 2019. This fine is in addition to the fine that the court imposes on the offense, so it would not count toward the maximum fine for the offense. The \$3 Local Traffic Fine also does not count against the maximum fine allowed for the offense. **NOTE** – the State Traffic Fine is often included in court costs since the court has no discretion in the amount assessed, but it is treated as a fine.

Is the \$20 Child Safety Fine split with the school district?

No. Only fines assessed under Ed. Code 25.093 are split. The \$20 Child Safety Fund Fine is assessed under CCP 102.014.

Why does the difference between court costs and fines matter?

There are two significant differences in how your courts handle court costs vs. fines

- 1) If the defendant makes partial payments, the payments are first credited against court costs (including reimbursement fees) until the costs are completely paid off. If the payment isn’t enough to pay all of the costs, the payment is applied to each cost on a prorated basis. Once the 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.
- 2) 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.