

Memorandum



DATE: October 14, 2016

TO: Honorable Members of the Ad Hoc Judicial Nominations Committee:
Philip T. Kingston (Chair), Tiffinni A. Young (Vice-Chair), Mayor Pro Tem Monica R. Alonzo, Rickey D. Callahan, B. Adam McGough, Casey Thomas, II

SUBJECT: **Fees & Fines**

On Tuesday, October 18, 2016 you will be briefed on Fees & Fines by Gloria Carter, Director and Ryan Rogers, Assistant Director of Court & Detention Services.

The briefing materials are attached for your review.



Eric D. Campbell
Assistant City Manager

cc: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Ryan S. Evans, First Assistant City Manager
Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge

Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council



Fees & Fines

Ad Hoc Judicial Nominating Committee – Oct. 18, 2016

Briefing Purpose

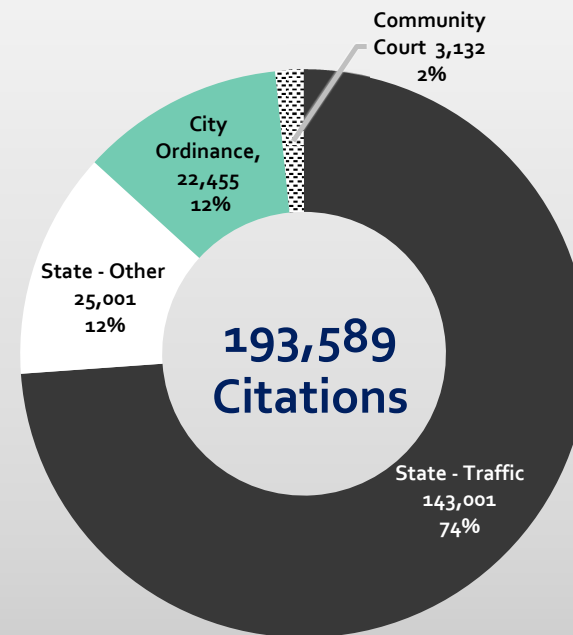
Understand the structure of Municipal Court's Fees & Fines, and how Dallas may improve in the consistency of how they are administered

- Municipal Court Responsibilities
- Citation Costs
- Practices of Dallas Municipal Court
- Administrative Judge's Perspective
- Action Taken and Next Steps



Municipal Court Responsibilities




- Administer Class C citations and civil citations
 - Jurisdiction over 1,052 violation types
 - Receive approx. 200,000 citations annually



NOTE: City Ordinance are both Criminal and Civil



Municipal Court Responsibilities

Group	Basic Functions	Direct Report
Clerks / Marshals 	Update Cases & Records Collections & Accounting Enforce & Confirm Warrants Jail Contract Oversight	City Manager
Prosecutors 	Prosecute Cases & Defend Appeals Support Staff	City Attorney
Judiciary 	Adjudicate Cases	City Council



Citation Costs

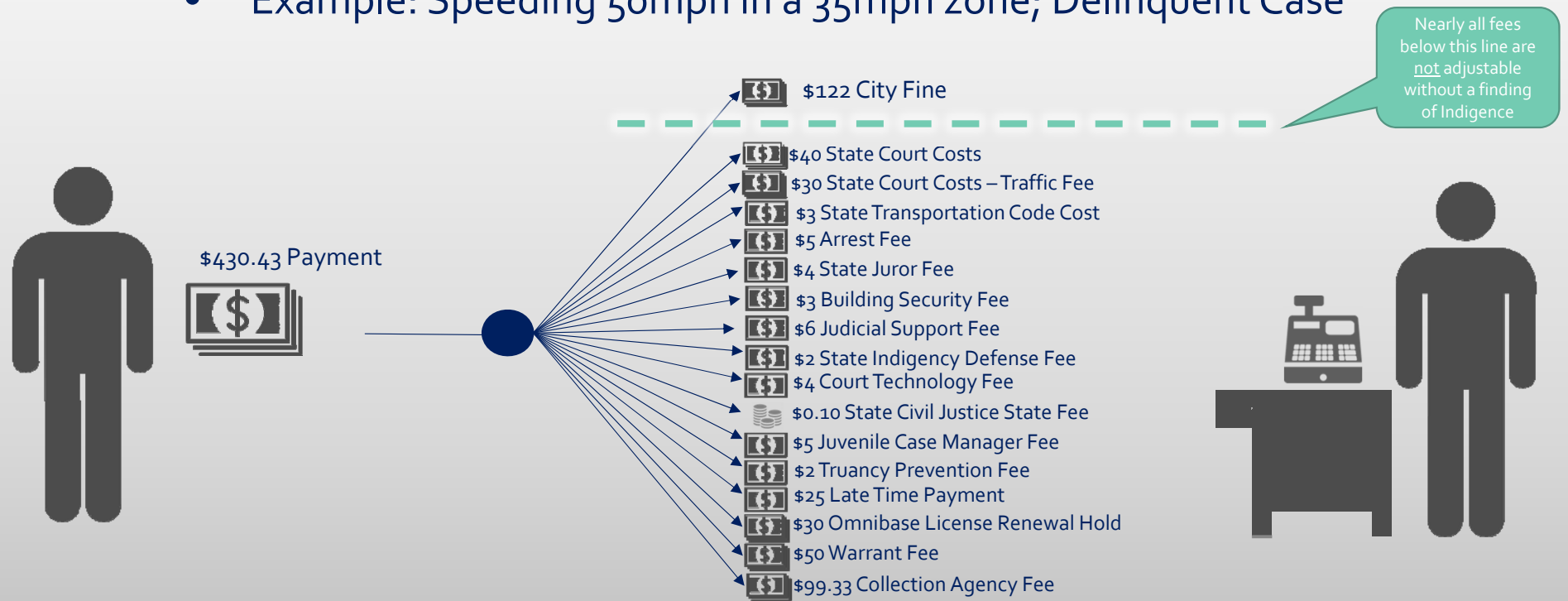
- Two General Categories
 - 1) Fines
 - 2) Court Costs and Fees*

* Extensive detail about court costs and fees included in the appendix

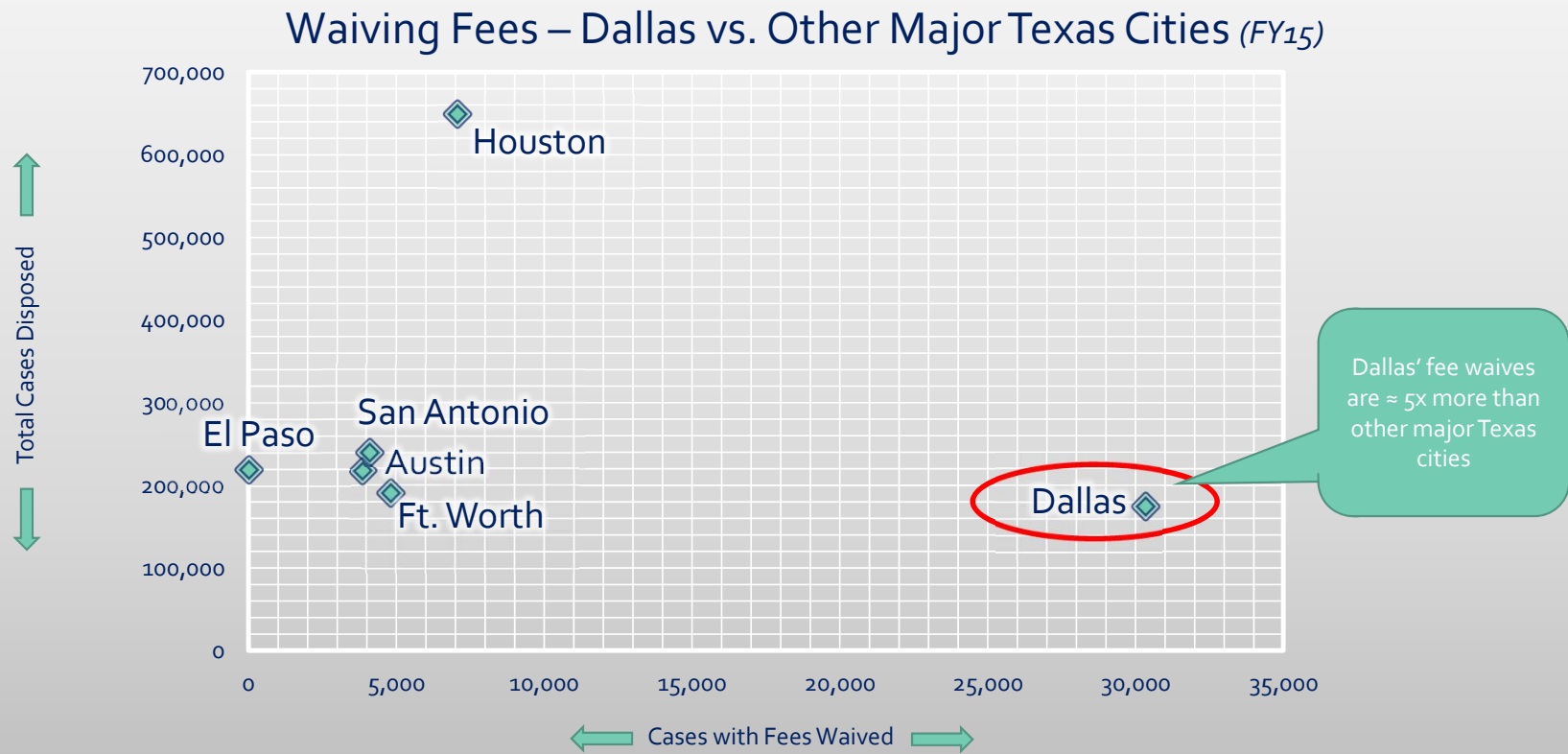


Citation Costs

- Example: Speeding 50mph in a 35mph zone; Delinquent Case

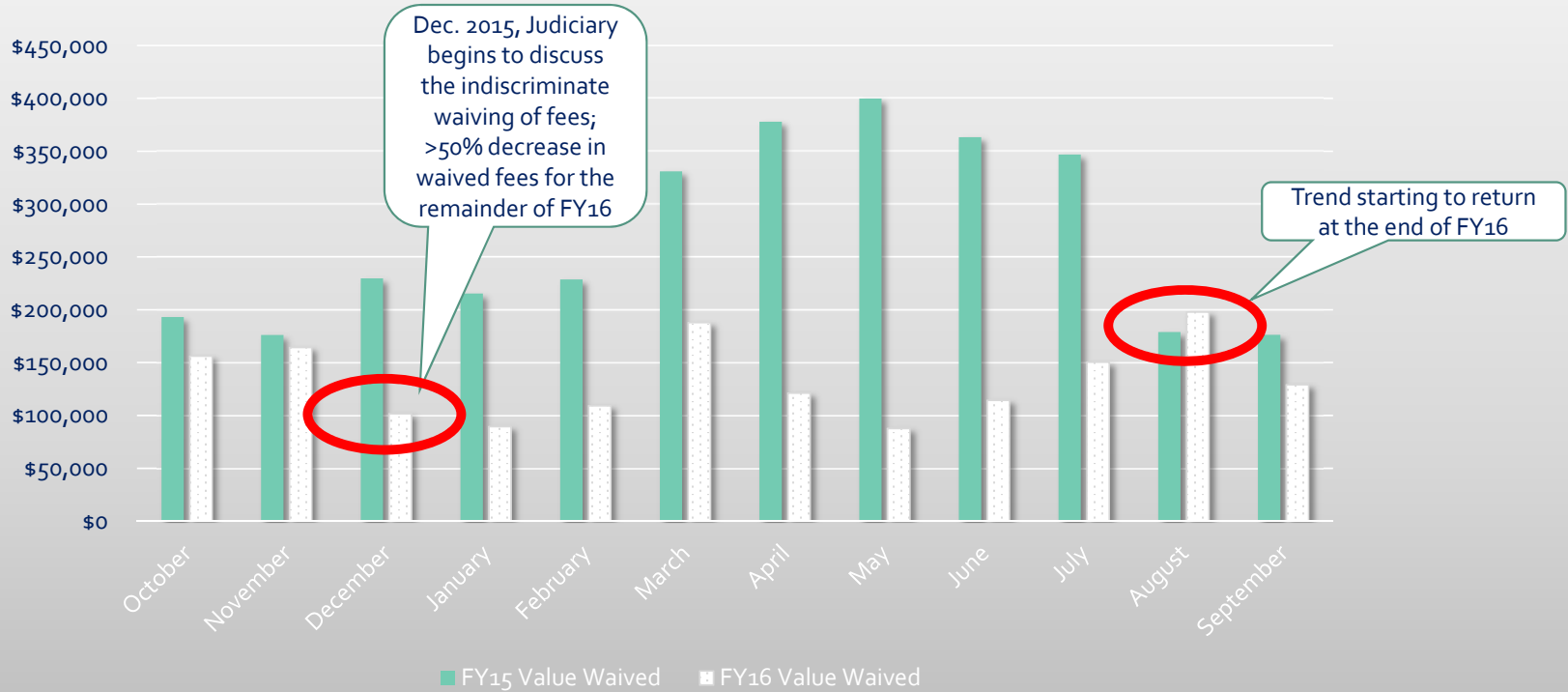


Practices of Dallas Municipal Court



Practices of Dallas Municipal Court

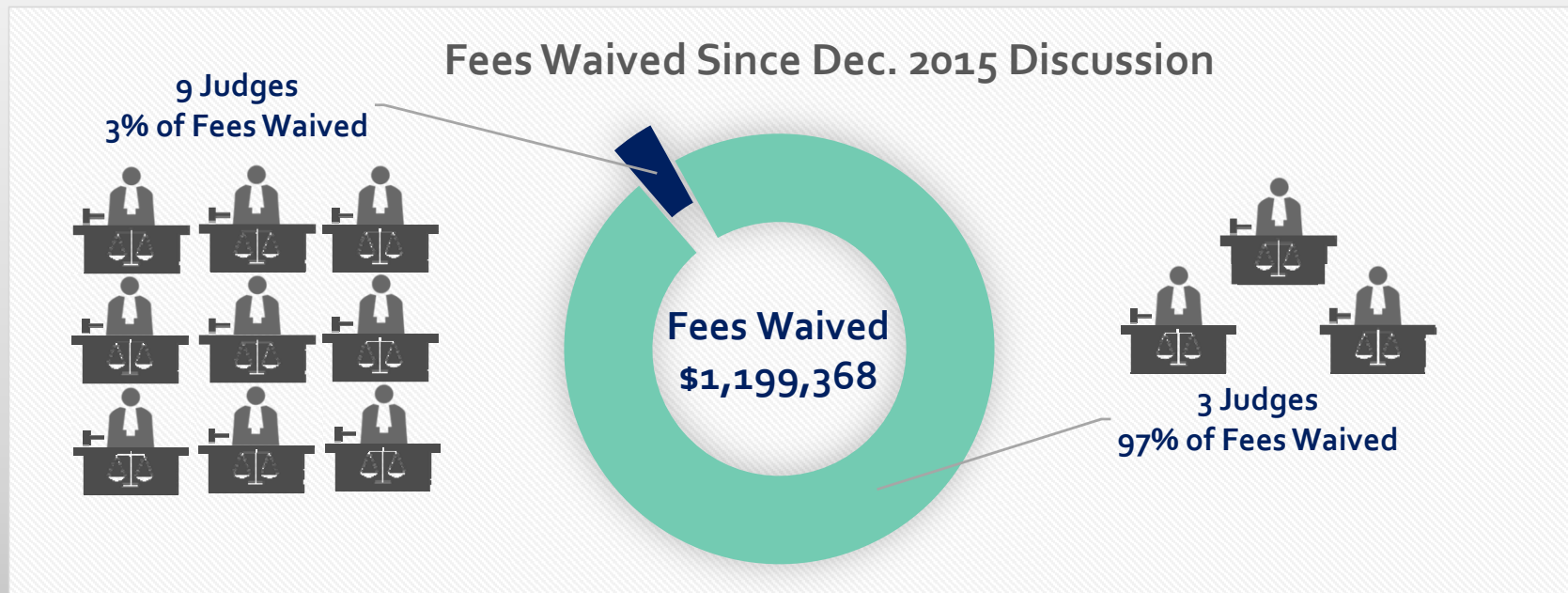
FY15 to FY16 Comparison of How Often Fees are Waived



Administrative Judge Perspective

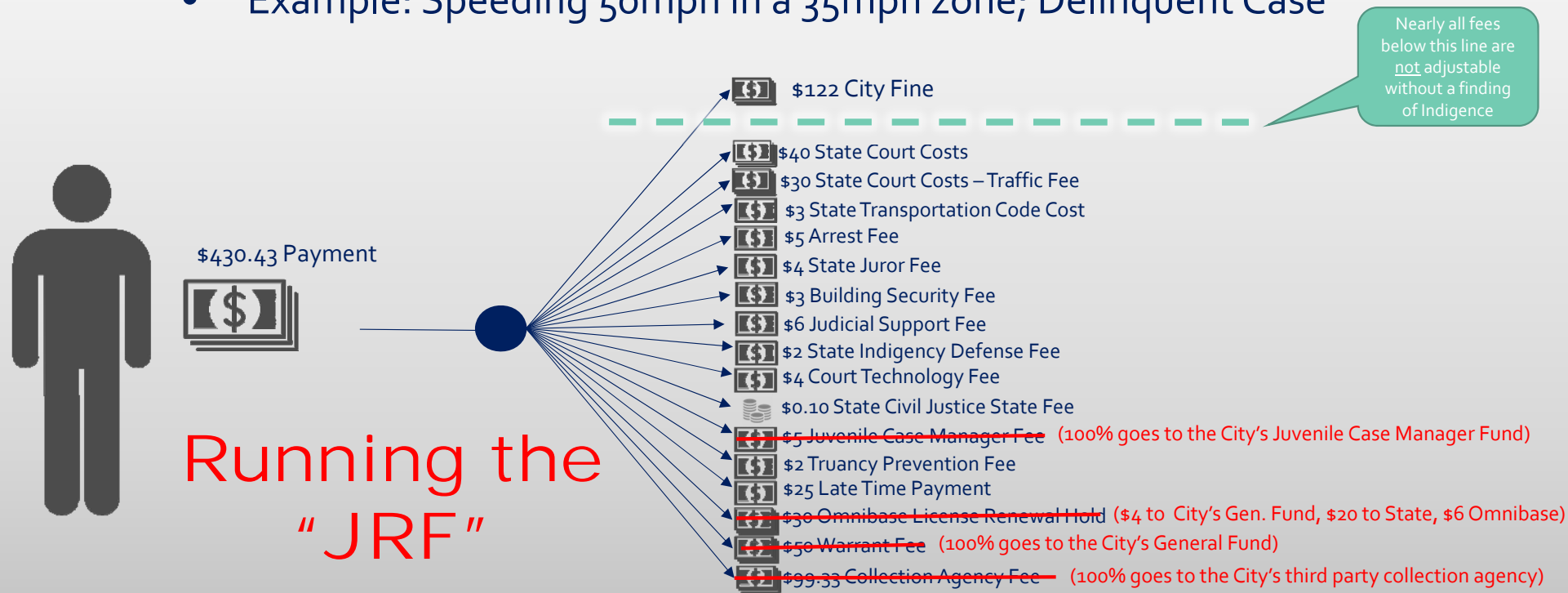


Practices of Dallas Municipal Court



Citation Costs – What Judges Waive

- Example: Speeding 50mph in a 35mph zone; Delinquent Case



Action Taken and Next Steps

- May, 2015 - Administrative Judge requested monthly reporting
- December, 2015 - Administrative Judge met with all Judges
- January, 2016 - Partial change in behavior
- May, 2016 - Briefed Public Safety Committee – discussed indigence
- August, 2016 - Created task force to review fees and indigence



Action Taken and Next Steps

- Support needed from Council
 - An indigence task force will bring forward a recommendation
 - The Administrative Judge is not a Presiding Judge, and because of this, Support from Council is needed to ensure Judges are adhering to this process through periodic monitoring



Appendix



Fee Chart

The following pages are from the State of Texas Judicial Branch. The attached chart gives an extensive explanation of municipal court costs.



Municipal Court Convictions Court Cost Chart – 01/01/2016		A	B	C	D	E	F	G	H	I	J
The costs and fees below must always be assessed upon conviction (including deferred disposition).											
1	Consolidated Court Cost – Local Government Code § 133.102(a)	40	40	40	40	40	40	40	0	0	0
2	State Traffic Fine – Transportation Code §542.4031	30	30	30	0	0	0	0	30	0	0
3	Passing School Bus Cost – Code of Criminal Procedure art. 102.014(c)	25	0	0	0	0	0	0	0	0	0
4	Parent Contributing to Non-Attendance Fee – Code of Criminal Procedure art. 102.014(d)	0	0	0	20	0	0	0	0	0	0
5	Judicial Support Fee – Local Government Code § 133.105(a)	6	6	6	6	6	6	6	0	0	0
6	Additional Court Cost – Transportation Code § 542.403	3	3	3	0	0	0	0	3	0	0
7	Indigent Defense Fee – Local Government Code § 133.107	2	2	2	2	2	2	2	0	0	0
8	Truancy Prevention Cost – Code of Criminal Procedure art. 102.015	2	2	2	2	2	2	2	0	0	0
9	TCOLE Court Cost – Code of Criminal Procedure art. 102.022	0.10	0.10	0	0	0.10	0.10	0	0	0	0
TOTAL COSTS TO ALWAYS BE ASSESSED ON CONVICTION (INCLUDING DEFERRED DISPOSITION)		108.10	83.10	83	70	50.10	50.10	50	33	0	0
The costs below are to be assessed upon conviction (including deferred disposition) if the service has been performed in the case by a peace officer.											
10	Execute or Process Arrest Warrant, Capias, or Capias Pro Fine – Code of Crim. Procedure art. 102.011(a)(2)	50	50	50	50	50	50	50	50	50	50
11	Serve Writ – Code of Criminal Procedure art. 102.011(a)(4)	35	35	35	35	35	35	35	35	35	35
12	Take and Approve Bond – Code of Criminal Procedure art. 102.011(a)(5)	10	10	10	10	10	10	10	10	10	10
13	Convey Witness (charge per day) – Code of Criminal Procedure art. 102.011(c)	10	10	10	10	10	10	10	10	10	10
14	Arrest without Warrant or Issue Written Notice to Appear – Code of Criminal Procedure art. 102.011(a)(1)	5	5	5	5	5	5	5	5	5	5
15	Summon Witness (charge per witness each time summoned) – Code of Criminal Procedure art. 102.011(a)(3)	5	5	5	5	5	5	5	5	5	5
16	Commitment to Jail – Code of Criminal Procedure art. 102.011(a)(6)	5	5	5	5	5	5	5	5	5	5
17	Release from Jail – Code of Criminal Procedure art. 102.011(a)(6)	5	5	5	5	5	5	5	5	5	5
18	Summon Jury – Code of Criminal Procedure art. 102.011(a)(7)	5	5	5	5	5	5	5	5	5	5
19	Mileage fees for certain Conveyances and Travel (29¢/mile) – Code of Criminal Procedure art. 102.011(b)	X	X	X	X	X	X	X	X	X	X
20	Meals and Lodging Expenses for certain Conveyances and Travel – Code of Crim. Procedure art. 102.011(b)	X	X	X	X	X	X	X	X	X	X
21	Overtime Costs for Testifying at Trial – Code of Criminal Procedure art. 102.011(i)	X	X	X	X	X	X	X	X	X	X
The cost below is to be assessed upon entering judgment if the defendant: (1) failed to appear in response to a complaint or citation; and (2) case is disposed in a county that has contracted with DPS under Transportation Code § 706.002(a).											
22	Administrative Fee (OMNI Fee) – Transportation Code § 706.006(a)	30	30	30	30	30	30	30	30	30	30
The cost below is to be assessed upon conviction (including deferred disposition) if the offense occurred in a school zone.											
23	School Crossing Zone Cost – Code of Criminal Procedure art. 102.014(c)	25	25	25	0	0	0	0	25	0	0
The fee below is to be assessed upon conviction only if: (1) the defendant has been convicted (and has not simply been placed on deferred disposition); and (2) the Court chooses to impose the fee.											
24	Restitution Installment Fee – Code of Criminal Procedure art. 42.037(g)	12	12	12	12	12	12	12	12	12	12
The cost below is to be assessed upon conviction (including deferred disposition) if the City has a population greater than 850,000 and has adopted an ordinance, regulation or order regulating the stopping, standing, or parking of vehicles.											
25	Municipal Parking Offense Cost (larger cities) – Code of Criminal Procedure art. 102.014(a)	0	0	0	0	0	0	0	0	2-5	0
The cost below is to be assessed upon conviction (including deferred disposition) if the City has a population less than 850,000 and has adopted an ordinance, regulation, or order regulating the stopping, standing, or parking of vehicles.											
26	Municipal Parking Offense Cost (smaller cities) – Code of Criminal Procedure art. 102.014(b)	0	0	0	0	0	0	0	0	0-5	0
The fee below is to be assessed upon conviction (not simply placement on deferred disposition).											
27	Juror Reimbursement Fee – Code of Criminal Procedure art. 102.0045	4	4	4	4	4	4	4	4	4	4
The fee below is to be assessed upon conviction if the conviction was by a jury.											
28	Jury Fee – Code of Criminal Procedure art. 102.004	3	3	3	3	3	3	3	3	3	3
The fee below is to be assessed upon conviction (including deferred disposition) if: (1) the city council has created a juvenile case manager fund; (2) the city council requires the defendant to pay the cost; (3) the city employs a juvenile case manager; and (4) the court does not waive the fee (which it is authorized to do in cases of financial hardship).											
29	Juvenile Case Manager Fee – Code of Criminal Procedure art. 102.0174(c)	≤ 5	≤ 5	≤ 5	≤ 5	≤ 5	≤ 5	≤ 5	≤ 5	≤ 5	≤ 5
The fee below is to be assessed upon conviction (including deferred disposition) if the city council: (1) creates a municipal court technology fund; and (2) requires defendants to pay a technology fee.											
30	Municipal Court Technology Fee – Code of Criminal Procedure art. 102.0172	≤ 4	≤ 4	≤ 4	≤ 4	≤ 4	≤ 4	≤ 4	≤ 4	≤ 4	≤ 4
The fee below is to be assessed upon conviction (including deferred disposition) if: (1) the city council has passed an ordinance creating a municipal court building security fund; and (2) the city council requires defendants convicted of offenses in municipal court to pay a security fee.											
31	Municipal Court Building Security Fee – Code of Criminal Procedure art. 102.017	3	3	3	3	3	3	3	3	3	3

The following costs are not assessed upon conviction, but are assessed in appropriate circumstances:

- (32) Administrative Fee (Omni Fee) – Transportation Code § 706.006(b) -- \$30.00
This fee is required to be paid by any “person who fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner the court orders.”
- (33) Time Payment Fee – Local Government Code § 133.103 -- \$25.00
This fee is required to be assessed whenever a person who has been convicted of an offense “pays any part of a fine, court costs, or restitution on or after the 31st day after the date on which a judgment is entered assessing the fine, court costs, or restitution.”
- (34) Driving Record Fee – Code of Criminal Procedure art. 45.0511(c-1) -- \$12.00
This fee is required to be imposed on a defendant who wishes to take a driving safety course if the Court chooses to have DPS provide the defendant’s driving record.
- (35) Driving Safety Course Administrative Fee – Code of Criminal Procedure art. 45.0511(f)(1) – not to exceed \$10.00
This optional fee may be imposed by the Court upon a defendant’s request to take a driving safety course.
- (36) Driving Safety Course Special Request Fee – Code of Criminal Procedure art. 45.0511(f)(2) – an amount not more than the maximum fine amount
This optional fee may be imposed by the Court upon a defendant’s request to take a driving safety course pursuant to Subsection (d) of the statute. The request is a “special” request because certain requirements entitling the defendant to take a driving safety course have not been satisfied.
- (37) Special Expense Fee – Code of Criminal Procedure art. 45.051(a) – an amount not to exceed the amount of the fine that could be imposed
This fee may be imposed by the Court when placing a defendant on deferred disposition.

Detailed Description of Offenses in each Misdemeanor Category

- A Passing School Bus (Transportation Code, § 545.066)
- B Rules of the Road Offense¹ (other than a Parking Offense, Pedestrian Offense, or Passing School Bus Offense) that is a moving violation²
- C Rules of the Road Offense (other than a Parking Offense, Pedestrian Offense, or Passing School Bus Offense) that is not a moving violation)
- D Parent Contributing to Non-attendance Offense (Education Code, § 25.093)
- E Disobeying Warning Signs or Driving Around a Barricade (Transportation Code, § 472.022)
- F General fine-only misdemeanor offense³ that is a moving violation
- G General fine-only misdemeanor offense that is not a moving violation
- H State Parking Offense or State Pedestrian Offense that is a Rules of the Road Offense
- I Violation of Municipal Parking Ordinance
- J (1) State Parking Offense or State Pedestrian Offense that is not a Rules of the Road Offense; or (2) Violation of Municipal Pedestrian Offense

¹A rules-of-the-road offense is any offense found in Transportation Code, Chapters 541 – 600.

² The list of offenses considered to be moving violations can be found in 37 Tex. Admin. Code § 15.89(b) and is available online at <http://texreg.sos.state.tx.us/fids/201403910-1.html>.

³ A general fine-only misdemeanor offense is any fine-only misdemeanor offense not listed in Categories A - E and H - J.

NOTE: When “X” appears on the chart this indicates that the amount must be calculated as provided in the statute.

Court Cost and Fee Destinations

- (1) 90% to the State; 10% as a collection fee to the City. The State money goes to 14 destinations as follows: (1) abused children's counseling [0.0088%]; (2) crime stoppers assistance [0.2581%]; (3) breath alcohol testing [0.5507%]; (4) Bill Blackwood Law Enforcement Management Institute [2.1683%]; (5) law enforcement officers standards and education [5.0034%]; (6) comprehensive rehabilitation [9.8218%]; (7) law enforcement and custodial officer supplemental retirement fund [11.1426%]; (8) criminal justice planning [12.5537%]; (9) Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University [1.2090%]; (10) compensation to victims of crime fund [37.6338%]; (11) emergency radio infrastructure account [5.5904%]; (12) judicial and court personnel training fund [4.8362%]; (13) Correctional Management Institute of Texas and Criminal Justice Center Account [1.2090%]; and (14) fair defense account [8.0143%].
- (2) 5% to the City as a service fee for collection and 95% to the State. The money is directed to the State as follows: (1) 67% to the credit of the undedicated portion of the General Revenue Fund; and (2) 33% to the credit of the designated trauma and emergency medical services account under Section 780.003, Health & Safety Code.
- (3) 100% to the City. If the City has a population greater than 850,000, the money is deposited in a fund known as the Municipal Child Safety Trust Fund. Money in the fund is to be used to provide school crossing guard services as provided by Chapter 343, Government Code. After payment of the expenses of the school crossing guard services, any remaining money in the fund may be used for programs designed to enhance child safety, health, or nutrition, including child abuse intervention and prevention and drug and alcohol abuse prevention. If the City has a population of less than 850,000, the money must be used for a school crossing guard program if the City operates one. If the City does not operate a school crossing guard program (or if the money received from the cost exceeds the amount necessary to fund the school crossing guard program, the City may expend the additional money for programs designed to enhance: (1) child safety, health, or nutrition, including child abuse prevention and intervention and drug and alcohol abuse prevention; or (2) public safety and security.
- (4) 100% to the City. If the City has a population greater than 850,000, the money is deposited in a fund known as the Municipal Child Safety Trust Fund. Money in the fund is to be used to provide school crossing guard services as provided by Chapter 343, Government Code. After payment of the expenses of the school crossing guard services, any remaining money in the fund may be used for programs designed to enhance child safety, health, or nutrition, including child abuse intervention and prevention and drug and alcohol abuse prevention. If the City has a population of less than 850,000, the money must be used for a school crossing guard program if the City operates one. If the City does not operate a school crossing guard program (or if the money received from the cost exceeds the amount necessary to fund the school crossing guard program, the City may expend the additional money for programs designed to enhance: (1) child safety, health, or nutrition, including child abuse prevention and intervention and drug and alcohol abuse prevention; or (2) public safety and security.
- (5) \$0.60 goes to the City's General Fund "to promote the efficient operation of the . . . municipal courts and the investigation, prosecution, and enforcement of offenses that are within the jurisdiction of the courts." \$5.40 goes to the State Judicial Fund for court-related purposes for support of the judicial branch of the State, for child support and court management as provided by § 21.007, Government Code, and for basic civil legal services to the indigent as provided by § 51.943, Government Code.
- (6) 100% of the money stays with the City. There is no stated purpose for the money.
- (7) 90% to the State "Fair Defense Account" to fund indigent defense; 10% goes to the City as a collection fee.
- (8) Generally, 100% of the money goes to the State for deposit to the credit of a dedicated account in the General Revenue Fund known as the "Truancy Prevention and Diversion Fund." An exception exists in those cities that have established (or are attempting to establish) a juvenile case manager program. These cities have the option of retaining 50% of the money. The other 50% of the money would be directed to the State's Truancy and Prevention Fund." The money retained by the City is to be used to operate or establish a juvenile case manager program.
- (9) 90% of the money goes to the State and is deposited to the credit of the "Civil Justice Data Repository Fund" in the State's General Revenue Fund. The State money is "to be used only by the Texas Commission on Law Enforcement to implement duties under Section 1701.162, Occupations Code." The Commission's duties involve the audit of certain law enforcement agency records.
- (10) The money is directed to: (1) the law enforcement agency that executed the arrest warrant, *capias*, or *capias pro fine*, if the agency requests of the court, not later than the 15th day after the date of the execution of the arrest warrant, *capias*, or *capias pro fine*, the imposition of the fee on conviction; or (2) the law enforcement agency that processed the arrest warrant, *capias*, or *capias pro fine*, if: (a) the arrest warrant, *capias*, or *capias pro fine* was not executed; or (b) the executing law enforcement agency failed to timely request the fee.
- (11) Generally, 100% of the money stays with the City. The exception is if the service is performed by a peace officer employed by the State (*e.g.*, DPS, Parks & Wildlife, etc.). In such an instance, the City keeps 80% of the fee. The other 20% goes to the State.
- (12) Generally, 100% of the money stays with the City. The exception is if the service is performed by a peace officer employed by the State (*e.g.*, DPS, Parks & Wildlife, etc.). In such an instance, the City keeps 80% of the fee. The other 20% goes to the State.
- (13) Generally, 100% of the money stays with the City. The exception is if the service is performed by a peace officer employed by the State (*e.g.*, DPS, Parks & Wildlife, etc.). In such an instance, the City keeps 80% of the fee. The other 20% goes to the State.
- (14) Generally, 100% of the money stays with the City. The exception is if the service is performed by a peace officer employed by the State (*e.g.*, DPS, Parks & Wildlife, etc.). In such an instance, the City keeps 80% of the fee. The other 20% goes to the State.

- (15) Generally, 100% of the money stays with the City. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the City keeps 80% of the fee. The other 20% goes to the State.
- (16) Generally, 100% of the money stays with the City. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the City keeps 80% of the fee. The other 20% goes to the State.
- (17) Generally, 100% of the money stays with the City. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the City keeps 80% of the fee. The other 20% goes to the State.
- (18) Generally, 100% of the money stays with the City. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the City keeps 80% of the fee. The other 20% goes to the State.
- (19) Generally, 100% of the money stays with the City. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the City keeps 80% of the fee. The other 20% goes to the State.
- (20) Generally, 100% of the money stays with the City. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the City keeps 80% of the fee. The other 20% goes to the State.
- (21) Generally, 100% of the money stays with the City. The exception is if the service is performed by a peace officer employed by the State (e.g., DPS, Parks & Wildlife, etc.). In such an instance, the City keeps 80% of the fee. The other 20% goes to the State.
- (22) \$20 is directed to the State while \$10 is retained by the City. Of the \$20 directed to the State, \$10 is credited to the DPS to implement Chapter 706 of the Transportation Code. Chapter 706 outlines the procedure for DPS to deny the renewal of the driver's license of a person who has failed to pay his or her court-ordered fine and costs. The remaining \$10 goes to the State, but is not designated for any particular purpose. Of the \$10 retained by the City, \$6 is paid to OmniBase Services, Inc. OmniBase Services is a private vendor with which DPS has contracted to assist in implementing Chapter 706. The remaining \$4.00 is retained by the City. There is no specified purpose for this \$4 amount.
- (23) 100% to the City. If the City has a population greater than 850,000, the money is deposited in a fund known as the Municipal Child Safety Trust Fund. Money in the fund is to be used to provide school crossing guard services as provided by Chapter 343, Government Code. After payment of the expenses of the school crossing guard services, any remaining money in the fund may be used for programs designed to enhance child safety, health, or nutrition, including child abuse intervention and prevention and drug and alcohol abuse prevention. If the City has a population of less than 850,000, the money must be used for a school crossing guard program if the City operates one. If the City does not operate a school crossing guard program (or if the money received from the cost exceeds the amount necessary to fund the school crossing guard program, the City may expend the additional money for programs designed to enhance: (1) child safety, health, or nutrition, including child abuse prevention and intervention and drug and alcohol abuse prevention; or (2) public safety and security.
- (24) 50% of the money (\$6.00) goes to the State's Compensation to Victims of Crime Fund. The other 50% of the money (\$6.00) is to be retained by the court "for costs incurred in collecting the specified installments."
- (25) 100% to the City. The money is deposited in a fund known as the Municipal Child Safety Trust Fund. Money in the fund is to be used to provide school crossing guard services as provided by Chapter 343, Government Code. After payment of the expenses of the school crossing guard services, any remaining money in the fund may be used for programs designed to enhance child safety, health, or nutrition, including child abuse intervention and prevention and drug and alcohol abuse prevention.
- (26) 100% to the City. The money must be used for a school crossing guard program if the City operates one. If the City does not operate a school crossing guard program (or if the money received from the cost exceeds the amount necessary to fund the school crossing guard program, the City may expend the additional money for programs designed to enhance: (1) child safety, health, or nutrition, including child abuse prevention and intervention and drug and alcohol abuse prevention; or (2) public safety and security.
- (27) 90% to the State Jury Service Fund to reimburse counties for juror costs; 10% as a collection fee to the City.
- (28) 100% of the money stays with the City.
- (29) 100% of the money stays with the County and is directed to the City's Juvenile Case Manager Fund.
- (30) 100% of the money is retained by the City and is deposited in the "Municipal Court Technology Fund."
- (31) 100% of the money stays with the City. The money is to be deposited in the Municipal Court Building Security Fund.
- (32) \$20 is directed to the State while \$10 is retained by the City. Of the \$20 directed to the State, \$10 is credited to the DPS to implement Chapter 706 of the Transportation Code. Chapter 706 outlines the procedure for DPS to deny the renewal of the driver's license of a person who has failed to pay his or her court-ordered fine and costs. The remaining \$10 goes to the State. There is no stated purpose for this \$10 amount. Of the \$10 retained by the City, \$6 is paid to OmniBase Services, Inc. OmniBase Services is a private vendor with which DPS has contracted to assist in implementing Chapter 706. The remaining \$4.00 is retained by the City. There is no specified purpose for this \$4 amount.

- (33) 50% of the money (\$12.50) is sent to the State and the other 50% (\$12.50) is retained by the City. The money directed to the State is to be deposited in the State's General Fund. As for the 50% of the money retained by the City, 80% (\$10.00) goes to the City for unspecified purposes. The remaining 20% (\$2.50) is to be used "for the purpose of improving the efficiency of the administration of justice in the county." The City is required to "prioritize the needs of the judicial officer who collected the fees when making expenditures . . . and use the money deposited to provide for those needs."
- (34) \$10 goes to the State and is to be credited to the Department of Public Safety (DPS). The other \$2 also goes to the DPS and is specially designated to be used to support the "State Electronic Internet Portal" project.
- (35) 100% of the money stays with the County.
- (36) 100% of the money stays with the County.
- (37) 100% of the money stays with the County.