

A wooden gavel with a dark handle and a light-colored head, resting on a stack of three books. The books have worn, brown covers. The background is a warm, yellowish-brown color.

Texas Justice Court Training Center

REPORTING REQUIREMENT GUIDE FOR JUSTICE COURTS

2015 edition

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the Texas Department
of Transportation**

TJCTC

In conjunction with the
Texas Department
Of Transportation
Presents

REPORTING REQUIREMENT GUIDE FOR JUSTICE COURTS

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INTRODUCTION

This booklet was designed pursuant to a grant from the Texas Department of Transportation. It is our hope that it will help justice courts to fulfill the reporting duties and obligations placed upon them by Texas law. If you have suggestions for the next edition, please contact the Training Center.

The guide is organized chronologically by the type of event that precipitates the required reporting obligation.



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FAILURE TO APPEAR

The first type of event that may occur in a criminal case that may trigger a reporting requirement is a defendant's failure to appear. However, whether a justice court is obligated to report a failure to appear depends on a number of factors, including the offense with which the defendant is charged or whether the county in which the court is located has contracted with the OMNIBASE system. Below, we discuss the scenarios your court may face when a defendant fails to appear in a pending criminal case.

“OMNI” Reporting

When a defendant has been charged with any criminal offense in your court, but fails to appear in accordance with a citation or summons, the most common form of reporting is through the automated OMNIBASE system (commonly referred to as “OMNI”) associated with the Department of Public Safety’s Failure to Appear Program. DPS will deny driver’s license renewal for any defendant who fails to appear and is properly reported to the OMNI system. (See Article 706.004(a), Transp. Code.)

In order to use the OMNI reporting system, your county must first enter into a contract with DPS. (See Section 706.004(a), Transp. Code.) Once your county has contracted with DPS to use the OMNI system, you may report any defendant who fails to appear in your court **based on a complaint or citation.**

(This language means that OMNI is only available if a defendant fails to appear prior to disposition of the charged offense. Do not create a failure-to-appear OMNI report based on failure to appear for a show-cause hearing or failure to comply with a post-judgment order of the court.)

A report must include the following information:

- (1) the name, date of birth, and driver's license number of the defendant;
- (2) the nature and date of the alleged failure to appear;
- (3) a statement that the person failed to appear as required by law in a matter involving an offense described by Section 706.002(a), Transp. Code; and
- (4) any other information required by DPS.

A justice court must **immediately** notify DPS once the defendant has paid the required \$30.00 administrative fee **and** one of the following occurs:

1) the posting of an appearance bond by the defendant, if a *capias* was issued on the underlying offense;

2) acceptance of a plea of guilty to the original charge, if no new complaint for failure to appear or violation of promise to appear (FTA/VPTA) was filed;

3) acceptance of a plea of guilty to a charge of FTA/VPTA and payment of the fine, if a new complaint for FTA/VPTA to appear was filed;

4) acceptance of a plea of guilty to a charge of FTA/VPTA and the creation of an agreed payment plan or other “suitable arrangement” (such as

discharging the fine and costs by performing community service), if a new complaint for FTA/VPTA was filed; or

5) acceptance of a plea of guilty to a charge of FTA/VPTA and perfection of an appeal to county court, if a new complaint for FTA/VPTA was filed.

The defendant shall be removed from OMNI **without paying the \$30.00 administrative fee** if:

1) the defendant is acquitted of the charge for which he was initially ordered to appear;

2) the initial report of the defendant's failure to appear was in error; or

3) the failure to appear report is destroyed in accordance with the county's records retention policy.

Chapter 706 of the Transportation Code does not specifically authorize or require justice courts to collect the \$30.00 administrative fee listed in Section 706.006. However, it is our understanding that the contracts between participating counties and DPS contemplate the collection of this administrative fee by individual courts.

If your county's contract with OMNIBASE does not specify which court should collect the \$30.00 administrative fee and the case has previously been appealed to county court, we recommend that the \$30.00 fee be paid to the county court. (However, we recommend that a justice court accept the \$30.00 administrative fee if the defendant wishes to pay the fee at the time he files an appeal bond with the justice court.)

If your court does collect the administrative “OMNI fee,” Section 706.007 of the Transportation Code states that your court “shall keep records and deposit the money as provided by Subchapter B, Chapter 133, Local Government Code.”

(Please note that a defendant may also be reported to OMNI for failure to satisfy the terms of a judgment. This type of reporting is discussed on page 40 of this guide.)

Reporting a defendant’s failure to appear to DPS via the OMNI system is optional. However, reporting a defendant’s failure to appear to DPS using an appropriate administrative form is mandatory in some instances, which are discussed below.

Failure to Appear When the Defendant is Charged With an Offense Listed in Chapter 521 of the Transportation Code

If the defendant is charged with a traffic offense listed in Chapter 521 (for example, no driver's license) and fails to appear, your court **shall** report the failure to DPS. (See Section 521.3452, Transp. Code.)

The language of the statute indicates that such reporting may be accomplished by submitting a report via OMNI, but the report may also be made by submitting the information directly to DPS using an appropriate administrative form.

When your court reports a defendant's failure to appear for an offense listed in Chapter 521 of the Transportation Code, the result for the defendant is different than if the defendant had failed to appear for

some other criminal offense. Section 521.294 of the Transportation Code states that DPS shall revoke the defendant's license upon receipt of a report required by Section 521.3452. In addition to the revocation, DPS may also deny renewal of the defendant's driver's license under Chapter 706 of the Transportation Code.

This revocation lasts until the underlying charge is disposed of. (See Section 521.312, Transp. Code.) Therefore, Section 521.3452 requires a court to report the final disposition of the case to DPS. Again, the language of the statute indicates that this report may be made by submitting a report via OMNI, but the report may also be made by submitting the information directly to DPS using an appropriate administrative form.

Failure to Appear by Minors older than 14 but younger than 17

Section 521.294 of the Transportation Code indicates that a justice court may also report a defendant charged with an offense not listed in Chapter 521 of the Transportation Code “who is at least 14 years of age but younger than 17 years of age when the offense was committed” to DPS for failure to appear in accordance with a citation or summons.

Although the language of the statute does not indicate how the report should be made, it is our understanding that such reporting may be accomplished either by submitting a report via OMNI, if the defendant has a driver’s license, or by submitting the information directly to DPS if the defendant does not have a driver’s license.

When your court reports such defendants' failure to appear to DPS, the Department is required to revoke the defendant's license. This revocation lasts until the underlying charge is disposed of. (See Section 521.294(6), Transp. Code.) Therefore, the court shall also report the final disposition of the case to DPS.

DISPOSITION OF A CHARGED OFFENSE

The second event that may occur in a criminal case which may trigger a reporting requirement is the court's disposition of the case. Generally speaking, the final disposition of any case creates a duty to report. However, the court's obligation may vary depending on the type of offense, the procedure used to dispose of the case and specific reporting requirements for certain offenses. Below, we discuss the scenarios a justice court may face when reporting the disposition of a criminal case.

General Reporting Requirements (Traffic)

Section 543.203 of the Transportation Code requires a justice court to report a conviction (or forfeiture of bail) for “a law regulating the operation of a vehicle on a highway” to the Department of Public Safety. **The report to DPS must be made not later than seven days after the conviction.** Furthermore, the report to DPS shall include the following information:

- (1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;
- (2) the registration number of the vehicle involved;
- (3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in

transporting hazardous materials;

(4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

(5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;

(6) whether a search of the vehicle was conducted and whether consent for the search was obtained;

(7) the plea, the judgment, whether the individual was adjudicated under Article 45.0511, Code of Criminal Procedure, and whether bail was forfeited;

(8) the date of conviction; and

(9) the amount of the fine or forfeiture.

The seven day reporting requirement also applies when the defendant fails to comply with the terms and conditions of a deferred disposition order issued pursuant to Article 45.501 of the Code of Criminal Procedure and is subsequently convicted. (See Sec. 543.204, Transportation Code.) (However, if the defendant complies with the terms and conditions set by the court's deferred disposition order, the court's dismissal of the complaint shall not be reported.) *Id.*

Please note that Chapter 543 contains a basic reporting requirement for all traffic-related criminal offenses. However, several statutes explicitly require a conviction or other disposition to be reported to DPS. When you notice these explicit requirements, it frequently means that DPS requires an additional

report from the justice court. Because these additional reporting requirements often involve DPS-promulgated forms which may be changed at any time, we recommend that you contact the Enforcement and Compliance Services Division of DPS for specific information.

General Reporting Requirements (Non-Traffic)

Article 60.08(c) of the Code of Criminal Procedure succinctly sums up a justice court's reporting obligation in all criminal cases not found in the Transportation Code. It states: “[t]he clerk of the court exercising jurisdiction over a case **shall report the [final] disposition of the case** to the Department of Public Safety.”

Chapter 60 also sets the deadline for reporting the disposition of each criminal offense which does not relate to the operation of a vehicle on a highway. This information “shall be reported promptly but **not later than the 30th day after the date on which the information or data is received** by the agency responsible for reporting it...” (See Article 60.08(d), Code of Criminal Procedure.)

Disposition of the case may include dismissal, acquittal, or conviction.

If the court defers final disposition of the case, the court's order deferring disposition should not be reported to DPS unless a statute specifically requires you to do so. Rather, the **final** disposition of the deferred case (for example, conviction if the defendant fails to comply with the court's instructions) may be reported at the appropriate time. Please note that **if the defendant complies with the court's instructions and the complaint is dismissed, no report is required, unless a more specific statute states otherwise.** (See Section 543.204, Transportation Code.) For example, if a court defers disposition for an offense listed in Section 106.071 of the Alcoholic Beverage Code, the order deferring disposition must be reported. (See page 36 of this guide for additional information.)

Please note that Chapter 60 contains a basic reporting requirement for all non-traffic criminal offenses. However, several statutes explicitly require a conviction or other disposition for a particular offense to be reported to DPS. When you notice these explicit requirements, it frequently means that DPS requires an additional report from the justice court. Because these additional reporting requirements often involve DPS-promulgated forms which may be changed at any time, we recommend that you contact the Enforcement and Compliance Services Division of DPS for specific information.

Several additional reporting requirements may be triggered when the court disposes of the case, regardless of whether the disposition is a conviction, dismissal, or acquittal. The various triggers and the corresponding requirements are discussed below.

Conviction: Automatic License Suspension

Several offenses under Texas law, including a handful of fine-only offenses, require the Department of Public Safety to immediately suspend the defendant's license upon receiving notice of the defendant's conviction. (See Sec. 521.347, Transp. Code.) In justice court, these offenses include Possession of Drug Paraphernalia (Sec. 481.125, Health & Safety Code), Theft of Motor Fuel (Sec. 31.03, Penal Code), Fictitious License (Sec. 521.453, Transportation Code), and Failure to Post Sign Required to Sell Volatile Chemicals (Sec. 485.034, Health & Safety Code).

If the defendant is convicted of any offense which requires automatic suspension, the court may order the defendant to surrender his or her driver's license to the court. Once the defendant's license has been

surrendered, the court must send the license, as well as “a record of the conviction that states whether the vehicle involved in the offense was a commercial motor vehicle as defined by Chapter 522 or was involved in the transport of hazardous materials,” to the Department of Public Safety within 10 days of the surrender. (See Sec. 521.347(a), Transp. Code.)

If the court does not require the defendant to surrender his or her license, the court must promptly report the conviction to DPS, and may recommend administrative suspension in accordance with Section 521.292 of the Transportation Code. (See Sec. 521.347(b), Transp. Code.)

Conviction: Additional Reporting Requirements

As discussed above, Chapter 60 of the Code of Criminal Procedure requires all cases which reach final disposition to be reported to the Department of Public Safety. However, several Texas statutes also require convictions for individual Texas offenses to be reported to DPS. These offenses include:

No Driver's License: Section 521.025, Transportation Code;

Operating or Loading Overweight Vehicle: Section 621.506, Transportation Code;

Any offense relating to the misuse of a permit authorizing a commercial motor vehicle to operate under excess weight. Section 623.019, Transportation Code; and

Any offense under Chapter 623, Subchapter D of the Transportation Code relating to the use of heavy equipment. Section 623.082, Transportation Code.

Because reporting methods are set by the Department of Public Safety and are subject to change, we recommend checking with DPS periodically to determine if a separate form needs to be used for reporting any offense which lists a specific reporting requirement.

Dismissal: Successful Completion of Diversion Programs

A handful of statutes make it possible for a justice court to accept a defendant's plea of guilty, but defer final disposition of the case for a specified period of time. During the deferral period, the defendant must comply with conditions set by the court. If the defendant successfully complies with all conditions and requirements within the specified deferral period, the defendant's reward is a dismissal of the charged offense. Such dismissals may also trigger reporting requirements for the justice court.

Article 45.051, Code of Criminal Procedure: This statute allows a justice court to defer final disposition of a case and require the defendant to comply with certain requirements specified by the court. If a justice court determines "that the defendant has

complied with the requirements imposed by the judge,” then “the judge shall dismiss the complaint, and it shall be clearly noted in the docket that the complaint is dismissed and that there is not a final conviction.”

If the complaint is dismissed in this manner, the final disposition may not be reported to DPS. (See Section 543.204, Transp. Code.)

If the defendant fails to comply with the requirements imposed by the court, the defendant may be convicted following a show-cause hearing, and the conviction must be reported. (See Article 60.08, Code of Criminal Procedure & Section 543.203, Transp. Code.)

Article 45.0511, Code of Criminal Procedure: This statute allows a qualifying defendant to have a

charged offense dismissed upon successful completion of a driving safety course. It contains language similar to that found in Article 45.051, but also includes a specific reporting requirement. “when a defendant [completes the driving safety course and submits all required information to the court], the court shall: (1) remove the judgment and dismiss the charge; (2) report the fact that the defendant successfully completed a driving safety course or a motorcycle operator training course and the date of completion to the Texas Department of Public Safety for inclusion in the person's driving record; and (3) state in that report whether the course was taken under this article to provide information necessary to determine eligibility to take a subsequent course under Subsection (b).”

Taken out of context, subsection (3) in the quoted section above is a bit confusing. A previous

subsection of Article 45.0511 indicates that a defendant is automatically eligible to have a citation dismissed by completing a driving safety course if he or she has not previously completed a course (in order to obtain dismissal) within the past year. (Please note that the defendant may still be eligible to have the citation dismissed by completing a driving safety course if he or she has completed a course within the past year, but in that situation eligibility requires the consent of the court.) Therefore, it is important to include accurate information when reporting to DPS so that the next time the defendant commits a traffic offense, the next trial court will have complete and accurate information regarding the defendant's eligibility to have the subsequent citation dismissed by completing a driving safety course.

Article 45.052, Code of Criminal Procedure: This statute creates a similar “deferral and dismissal”

procedure for defendants who elect to participate in (and successfully complete) a teen court program. Like Article 45.0511, this statute creates a specific reporting requirement. It states: “A charge dismissed under this article may not be part of the defendant's criminal record or driving record or used for any purpose. However, if the charge was for a traffic offense, the court **shall report** to the Department of Public Safety that the defendant successfully completed the teen court program and the date of completion for inclusion in the defendant's driving record.” (See Article 45.052(d), Code of Criminal Procedure.)

As noted above, all dispositions must be reported to DPS under Chapter 60 of the Code of Criminal Procedure. However, when a statute creates an explicit reporting requirement, DPS often requires additional reporting, typically in an additional form

which must be submitted by the court. Because these additional reporting requirements often involve DPS-promulgated forms which may be changed at any time, we recommend that you contact the Enforcement and Compliance Services Division of DPS for specific information.

Reporting Requirements upon Disposition of Alcohol Cases Involving Minors

Chapter 106 of the Alcoholic Beverage Code addresses reporting requirements when a minor is charged with an age-related alcohol offense. The following dispositions shall be reported to the Department of Public Safety:

- (1) A conviction of any Chapter 106 offense;

- (2) An order of deferred disposition for an offense alleged under Chapter 106; and

- (3) Acquittal of an offense under Section 106.041 Driving Under the Influence by a Minor. (See Article 106.117, Alcoholic Beverage Code.)

DPS promulgates forms to report the dispositions listed above. A justice court must complete these forms in addition to fulfilling the general reporting requirement contained in Chapter 60 of the Code of Criminal Procedure.

Additionally, if a defendant is convicted of any offense punishable by Section 106.071 of the Alcoholic Beverage Code, the justice court shall order DPS to suspend the defendant's license. The length of suspension is 30 days if the offense is the defendant's first. The length of suspension increases to 60 days if the defendant was convicted of a subsequent offense. (See Section 106.071, Alcoholic Beverage Code.) This order must be properly reported to DPS so that it may be enforced.

If a minor is convicted or placed on deferred disposition for a first-time alcohol-related offense, the

court must also order the defendant to take an alcohol awareness course or complete additional community service. (See Section 106.115, Alcoholic Beverage Code.) The court also has the option to order a minor to take an alcohol awareness class or complete additional community service if convicted or placed on deferred disposition for a subsequent alcohol-related offense.

If the defendant fails to complete the alcohol awareness course or fails to complete the community service as ordered, the court shall order DPS to suspend (or deny issuance of) the defendant's license using the appropriate reporting form. The length of the suspension shall be up to six months for a first-time offense, and up to one year for a subsequent offense. (See Section 106.115, Alcoholic Beverage Code.) This order must be properly reported to DPS so that it may be enforced.

Reporting Requirements Relating to Orders under Section 65.103, Family Code

If a truancy court finds that a child engaged in truant conduct, the court may enter a remedial order requiring the child to attend school and comply with other conditions set by the court.

As part of the truancy court's order under Section 65.103, the court may order the Department of Public Safety to suspend the driver's license or permit of the individual who engaged in truant conduct or, if the individual does not have a license or permit, to deny the issuance of a license or permit to the individual for a period specified by the court not to exceed the maximum time period that a remedial order may be effective.

A remedial order is effective for 180 days or until the end of the school year, whichever period is longer.

If a truancy court orders the Department of Public Safety to suspend a defendant's license under this statute, the court must report the order to DPS using the appropriate form.

Reporting to the Federal Immigration and Customs Enforcement division

It is a common misconception that convictions for fine-only offenses need to be reported to the federal Immigration and Customs Enforcement division of the Department of Homeland Security. Such reporting is only required when a known illegal alien is convicted of a felony offense. (See Article 2.25, Code of Criminal Procedure.)

While reporting convictions in justice court to ICE is not required or encouraged by TJCTC, reporting is certainly not prohibited. However, inquiring into a particular defendant's immigration status may raise ethical issues for a justice court. We recommend contacting the Commission on Judicial Conduct to discuss some of these ethical issues if you wish to

report suspected illegal aliens who are convicted in your court to Immigration and Customs Enforcement.

POST-DISPOSITION REPORTING REQUIREMENTS

Even though a case has been disposed of and reported to the appropriate state agency, the justice court's reporting obligations have not necessarily ended. Additional reporting requirements may arise when a defendant fails to satisfy the terms of the court's judgment. Additionally, the justice court has obligations to report on the fines, fees, and court costs it collects on behalf of the state and county from defendants. Below, we discuss your responsibilities when such requirements arise.

Reporting Requirements when the Defendant Fails to Satisfy the Judgment

If a defendant fails to pay a fine and costs as ordered by the justice court's written judgment, the court may act to compel the defendant to discharge the fine and costs. The court may do this by issuing a *capias pro fine*, reporting the defendant to OMNI, or (if the defendant is a juvenile) proceeding under Article 45.050 of the Code of Criminal Procedure. If the court generates a report to OMNI or proceeds under 45.050, reporting requirements exist.

A report to OMNI must comply with the reporting guidelines found on page 9 of this guide, except that the report should pertain to the defendant's failure to satisfy the judgment, rather than his or her failure to appear.

A defendant who is reported to OMNI for failure to satisfy a judgment may renew his driver's license with DPS only after paying the \$30.00 administrative fee described in Section 706.006 **and**:

- a) paying the outstanding fine and costs as ordered by the court's written judgment; or
- b) entering into a payment plan or other "suitable arrangement" (such as discharging the fine and costs by performing community service).

If the defendant who fails to discharge the fine and costs contained in the court's written judgment is a juvenile, the court has the additional option of proceeding under Article 45.050. This statute allows the justice court to either refer the defendant to juvenile court for delinquent conduct or retain the

case and hold the defendant in contempt for failure to satisfy the judgment.

If the court chooses the latter option, the court may take one or both of the following actions upon finding the defendant is in contempt of court:

“A) [order] that the contemnor pay a fine not to exceed \$500; or

(B) [order] that the Department of Public Safety suspend the contemnor's driver's license or permit or, if the contemnor does not have a license or permit, to deny the issuance of a license or permit to the contemnor until the contemnor fully complies with the orders of the court.” (See Article 45.050(c), Code of Criminal Procedure.)

If the justice court chooses to order the Department of Public Safety to suspend the defendant's license, the court must use the appropriate form to convey its order to DPS.

Reporting Requirements Relating to Fines, Fees, and Court Costs

Article 103.005 of the Code of Criminal Procedure requires justice courts to make reports regarding the collection of court costs and fees to the commissioners court of the county in which the justice court is located, as well as the district court serving the county in which the justice court is located. The report must be in writing, made under oath, and include the following information:

- (1) the amount of money collected by the officer;
 - (2) when and from whom the money was collected;
 - (3) the process by which the money was collected;
- and

(4) the disposition of the money.

Additionally, a justice court must keep separate records and submit a separate report to the state comptroller regarding the court's collection of the state traffic fine under Section 542.4031 of the Transportation Code.

REPORTING DUTIES OF MAGISTRATES

A justice of the peace may also be subject to reporting requirements when executing your duties as a criminal magistrate. Keep in mind that a justice of the peace's duty as a magistrate is to "preserve the peace within [his or her] jurisdiction by the use of all lawful means." Compliance with the following reporting requirements will help to keep the court's community safe and ensure a defendant is able to exercise his or her constitutional rights.

Reporting Requirements Relating to a Magistrate’s Order for Emergency Protection

When executing his or her duties as a criminal magistrate, a justice of the peace may issue orders for emergency protection in order to protect victims of family violence. Issuance of these orders triggers several reporting requirements. The issuing magistrate is required to: “send a copy of the order to the chief of police in the municipality where the member of the family or household or individual protected by the order resides, if the person resides in a municipality, or to the sheriff of the county where the person resides, if the person does not reside in a municipality.” The magistrate must send the copy of the order as soon as possible, but not later than the next business day. (See Article 17.292(h), Code of Criminal Procedure.) Once notified, it is the sheriff’s or police department’s duty to report the existence of

the order for emergency protection to the Department of Public Safety within three business days.

Additionally, if the victim is not present when the order is issued, the justice of the peace shall order a peace officer to make a good faith effort to notify the victim of the EPO within 24 hours, and the clerk of the court must send a copy of the EPO to the victim not later than the next business day after the date the order is issued. (See Article 17.292(h), Code of Criminal Procedure.)

The deadlines described above may be extended only if the magistrate or the clerk lacks information to ensure service and enforcement. (See Article 17.292(h-1), Code of Criminal Procedure.)

If the defendant who is the subject of the EPO has been licensed to carry a handgun, the magistrate's order **shall** order the defendant's license to be immediately suspended. The magistrate shall immediately send a copy of the suspension order to DPS. Once DPS receives the order, it will immediately:

“(1) record the suspension of the license in the records of the department;

(2) report the suspension to local law enforcement agencies, as appropriate; and

(3) demand surrender of the suspended license from the license holder.” (See Articles 17.292 and 17.293, Code of Criminal Procedure.)

Reporting Requirements Relating to Bond Conditions in Family Violence Cases

Chapter 411 of the Government Code authorizes the Department of Public Safety to collect “information about persons subject to conditions of bond imposed for the protection of the victim in any family violence, sexual assault or abuse, or stalking case.” (See Section 411.042, Government Code.)

The Government Code also authorizes the Department of Public Safety to “adopt reasonable rules... [relating to] reporting procedures that ensure that information relating to the issuance, modification, or removal of the conditions of bond is reported to the local law enforcement agency at the time of the issuance, modification, or removal and entered by the local law enforcement agency in the state’s law enforcement information system.” However, DPS has

not yet adopted such rules. Therefore, we recommend reporting bond conditions imposed for the protection of the victim in any family violence, sexual assault or abuse, or stalking case to law enforcement in the same manner that you would report an order for emergency protection.

Reporting Requirements Relating to General Magistration Duties

If an indigent defendant, after receiving the warnings required by Article 15.17 of the Code of Criminal Procedure, requests appointed counsel, the magistrate shall do so if he or she is authorized to appoint counsel. If he or she is “not authorized to appoint counsel, the magistrate shall without unnecessary delay, **but not later than 24 hours after the person arrested requests appointment of counsel,** transmit, or cause to be transmitted to the court or to the courts' designee authorized under Article 26.04 to appoint counsel in the county, the forms requesting the appointment of counsel.” (See Article 15.17, Code of Criminal Procedure.)

If the defendant has been arrested on an out-of-county warrant, the magistrate may determine the

appropriate contact person to whom this information should be transmitted by contacting the Texas Indigent Defense Commission.

MISCELLANEOUS REPORTING REQUIREMENTS

Additional reporting requirements may arise in your administrative duties. We describe these additional requirements below.

Reporting Relating to License Suspension Hearings

If a justice of the peace serves as a presiding officer at a driver's license suspension hearing under Chapter 521 of the Transportation Code, the justice of the peace may order the Department of Public Safety to probate a license suspension. If the JP does so, he or she must set the terms of the probation, and report those terms to DPS. (See Section 521.309, Transp. Code.)

Additionally, if a subsequent hearing is held to determine whether the licensee has violated the terms of his or her probation, the justice of the peace's determination shall be reported to DPS. (See Section 521.310, Transp. Code.)

Reporting Relating to Occupational Licenses

If a justice of the peace grants an occupational license petition, a certified copy of the petition and a certified copy of the court's order must be sent to the Department of Public Safety. (See Section 521.249, Transportation Code.)

If the justice court revokes an order granting an occupational license for any reason, a certified copy of the order revoking the license must be sent to DPS. (See Sections 521.245 & 521.253, Transportation Code.)

Although the Transportation Code does not explicitly authorize justice courts to modify an order granting an occupational license, it is our opinion that courts have the inherent authority to do so. We recommend sending a certified copy of any order modifying the

original occupational license order to the Department of Public Safety.

Certified copies may be mailed to the address below:

Texas Department of Public Safety
Enforcement and Compliance Service
P.O. Box 4087
Austin, TX 78773-0320

Certified copies may also be faxed to 512-424-2848 or emailed in PDF format to: driver.improvement@dps.texas.gov

Other Reporting Requirements

Section 106.116, Alcoholic Beverage Code: Requires the court to furnish a notice of conviction to the Texas Alcoholic Beverage Commission, but only upon the Commission's request.

Article 102.017(f), Code of Criminal Procedure: Requires an administrative judge to provide to the Office of Court Administration a written report regarding any security incident that occurs in or around a building housing a court for which the judge serves as local administrative judge **not later than the third business day** after the date the incident occurred.

Sec. 550.081, Transportation Code

Requires a justice of the peace in a county without a medical examiner to submit monthly reports regarding

traffic fatalities occurring within his or her jurisdiction.
(For additional information, see TJCTC's DWI
Magistration & Inquest Field Guide)