

# TEXAS JUSTICE COURT



## TRAINING CENTER

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**Court Personnel Program**

# **Clerk Certification Criminal Exam Review**

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This guide is aimed at helping a clerk learn the basic fundamentals necessary to become a Certified Justice Court Clerk. You will be directed to resources that will give you the information you will need to pass the exam. For the best chance of passing exam, we recommend that you:

- 1) Review all test-taking tips and information
- 2) Look up all materials recommended in this guide, reading them critically
- 3) Discuss any questions/concerns about what they may mean with another clerk or judge
- 4) Take the relevant practice exam available on the website and then check your answers with the answer key
- 5) Attack the test with confidence, knowing steps 1-4 have prepared you to succeed

**DO NOT** show up at school expecting to learn every piece of information that will be on the test. If you do this, **YOU WILL NOT PASS THE EXAM**. It is critical that you prepare in advance, learning the material you understand, and arriving with questions about the material you do not.

Make sure you are looking at the most recent version of all of the laws. Laws are changed frequently and you don't want to study an old version.

### **What Does the Exam Look Like?**

The exam consists of 50 multiple choice, true/false, or matching questions. You need to get 35 total questions correct to pass the test.

The questions will not ask you which specific section of the law covers a topic, but may ask you which code something is in. So, for example, you will not see a question like:

1. Which section of the Code of Criminal Procedure covers Driving Safety Courses (DSC)?
  - a. 45.051
  - b. 45.0511
  - c. 45.049
  - d. 27.14

But may see:

1. Which code lays out the procedure for Driving Safety Course dismissals?
  - a. Transportation Code
  - b. Education Code
  - c. Penal Code
  - d. Code of Criminal Procedure

## **Exam Schedule**

Both Level 1 exams begin at 8 AM on Day 3 of the seminar. If you are taking a Level 1 exam, you will have to choose to take either the civil or the criminal exam. From 8-8:45, there is a last-minute review session. You should arrive at this session fully prepared for the exam, with questions over sections of the material that you did not understand. This review session on its own is not enough for you to pass the exam.

Following a break, test materials will be distributed, and the test will begin around 9:05 AM. You will have 75 minutes to take the test, meaning it will end around 10:20 AM. Announcements will be made of the exact end time, and of time remaining. When you have completed and turned in your test, you are free to go until the post-test review begins.

TJCTC staff will grade the exams, and once they are graded, the post-test review will begin. The start time of this review will be announced before the exam begins. During this session, participants will see which questions they missed, see what the correct answers are, and have the opportunity to ask why the correct answers are correct. You **may not** take written notes during this process.

Following the post-test review, TJCTC staff will pick the exams back up. You will not be able to take your exam home with you. Certificates for those who pass will be provided at the registration desk. No announcements will be made in class indicating anyone's score or who passed.

If you do not pass, you can schedule a re-test at the TJCTC office in south Austin at least 30 days after your original exam date.

## Test-Taking Tips & Strategies

1. Do not “overthink” the questions. Although the questions may be tough, they are not designed to be trick questions. Any information you need to answer the question will be in the question. Don’t make random assumptions about facts that are not stated in the question.
2. Carefully read the question and **all** of the answers. “Skimming” the question may make you misunderstand what is being asked. And if you read answer A and think “yep!” and mark A and move on, you missed that B and C were also correct and D was “all of the above.”
3. Don’t waste too much time on a single question. The time limit isn’t overly restrictive, as long as you keep moving. Stopping to think for 5 minutes on one question will put you behind schedule. If you think you know an answer but can’t think of it at the moment, skip it and come back. If a question is asking about something that you have never heard of, make an educated guess and move on.
4. Don’t leave any questions blank. There is no penalty for guessing. If you can eliminate one or more choices on a multiple choice question, great, choose from the rest. Make your best guess on a fill in the blank question, you might guess correctly, but will never get it right if it is blank.
5. Don’t second-guess yourself. Of course, change an answer if lightning strikes and you remember **for sure** that something else is the answer. But if you put B first, and then think “welllll, I dunno, maaayyybe it’s C?”, you are almost certainly better off leaving it as B.
6. RELAX. You will perform your best if you are relaxed. Prepare diligently, and then relax knowing you did all that you could. The worst-case scenario is that you get a timed run at the exam, including a full review of every question and answer, so you know what to study for next time. That’s not too bad!

## Study Materials

The following abbreviations are used in this study guide:

- CCP = Code of Criminal Procedure
- PC = Penal Code
- HSC = Health and Safety Code
- ABC = Alcohol and Beverage Code
- TC = Transportation Code

The statutes may be found at [www.statutes.legis.state.tx.us](http://www.statutes.legis.state.tx.us).

Attorney General opinions may be found at <https://texasattorneygeneral.gov/>.

Many of the topics included in this study guide are discussed in detail in non-legalese in our new Deskbook series, which can be found at: <https://www.tjctc.org/tjctc-resources/Deskbooks.html>

Also, it would be well worth your while to study the Glossary/Legal Terms and Definitions handout, also downloadable from our website. More good resources are the Webinar and Newsletter Archives at [www.tjctc.org](http://www.tjctc.org) under the Resources tab, for further discussion of many of these issues.

- 1. Be aware of the laws covering indigent criminal defendants and inability to pay, including:**
  - a. Notice Sent When Defendant Pleads by Mail (CCP 27.14)**
  - b. Requirements Before a Warrant Can Issue if Defendant Doesn't Appear (CCP 45.014)**
  - c. New Guidelines on Appearance Bonds (CCP 45.016)**
  - d. Requirements Before a Capias Pro Fine Can Issue (CCP 45.045)**
  - e. Methods of Alternative Satisfaction of a Judgment (CCP 45.041)**
  - f. Amount of Credit for Jail Credit (CCP 45.048)**
  - g. Guidelines for Community Service/Waiver of Fine/Costs (CCP 45.049, 45.0491, 45.0492)**
  - h. Requirements When Defendant Referred to Collections (CCP 103.0031)**
  - i. OMNI procedures (TC Ch. 706)**
- 2. Know the justice court's criminal jurisdiction (CCP 4.11)**
- 3. Know the proper venue for criminal actions (CCP 4.12)**
- 4. Know the statute of limitations for criminal cases (CCP 12.02, 12.04)**
- 5. Familiarize yourself with all of Chapter 45 of the Code of Criminal Procedure, especially:**
  - a. Evidence (CCP 45.011)**
  - b. Timely Filing (CCP 45.013)**
  - c. Warrant (CCP 45.014)**

- d. Complaints (CCP 45.018, 45.019)
  - e. Appearance by Minor/Parent; Pleas in Open Court (CCP 45.0215)
  - f. Representation (CCP 45.020)
  - g. Pleadings (CCP 45.021)
  - h. Pleas (CPP 45.024)
  - i. Trial by Jury (CCP 45.025-45.030, 45.033 - 45.036)
  - j. Judgment, including when a defendant must be allowed to pay in increments (CCP 45.041)
  - k. Motion for New Trial (CCP 45.037)
  - l. Appeal (CCP 45.042 - 45.043)
  - m. Enforcement of Judgment (CCP 45.044, 45.045, 45.046, 45.047, 45.048, 45.049, 45.0491, 103.0025, 103.003)
  - n. Mandatory Prosecutor (CCP 45.101)
  - o. Procedure if the state is not represented by counsel when the case is called for trial (CCP 45.031, 45.032)
  - p. Expunctions (CCP 45.0216, 55.01, 55.02, 102.006; ABC 106.12; HSC 161.255; and Government Code 27.031)
6. Understand the requirements for timely filing a complaint (CCP 27.14)
7. Understand when a continuance must be granted in a criminal case. (CCP, 29.035)
8. Understand difference between FTA and VPTA (PC 38.10; TC 543.009)
9. Understand the requirements for deferred disposition (CCP 45.051), including:
- a. Eligibility for Deferral
  - b. Length of probation
  - c. Conditions
  - d. Special Expense Fee
  - e. Show Cause Hearings
10. Understand the requirements for Drivers Safety Course (CCP 45.0511), including:
- a. What offenses are eligible
  - b. When the defendant MUST be allowed to take it
  - c. What the fees are
  - d. Financial Responsibility
  - e. Show Cause Hearings
  - f. Texas DL/Military
11. Understand the court's options with community service for both adults and juveniles (CCP 45.049, both 45.0492's)
12. Understand the discretionary/mandatory transfer of cases from Justice Court to Juvenile Court (Family Code 51.08)

- 13. Understand about Parent Contributing to Nonattendance cases (Education Code 25.093; CCP 45.0531, 102.014(d))**
- 14. Understand the court's additional options when a child has been found to have committed an offense (CCP 45.057, 45.0491)**
- 15. Know the options under CCP 45.050 for when a child fails to obey an order of a justice court**
- 16. Identify penalties and sanctions for alcohol offenses, including:**
  - a. Purchase, Attempt to Purchase, Misrepresentation of Age, Possession and Consumption (ABC 106.071, 106.115)**
  - b. DUI by a Minor (ABC 106.041, 106.115)**
  - c. Public Intoxication (PC 49.02)**
  - d. Open Container (PC 49.031)**
- 17. Know which individuals must plead guilty in open court to alcohol offenses (ABC 106.10)**
- 18. Identify penalties and sanctions for tobacco offenses (HSC Chapter 161, Subchapter N)**
- 19. Identify and understand continuing obligations by juveniles and parents (CCP 45.057, 45.060)**
- 20. Be familiar with how being a minor affects criminal responsibility (PC 8.07, 8.08)**
- 21. Understand the requirements of confidentiality for juvenile and other records (CCP 45.0217, 44.2811, 45.0218)**
- 22. Understand when interpreters must be provided (CCP 38.30, 38.31; Attorney General Opinion JC-0584)**
- 23. Identify when the following offenses are Class C misdemeanors:**
  - a. Criminal Mischief ( PC 28.03(b)(1))**
  - b. Graffiti (PC 28.08(b)(1))**
  - c. Theft/Theft of Service (PC 31.03(e)(1), PC 31.04(e)(1))**
  - d. Organized Retail Theft (PC 31.16(c)(1))**
  - e. Issuance of Bad Check (PC 32.41(f))**
  - f. Forgery (PC 32.21(e-1)(1))**

- 24. Know the clerk's responsibility if a Magistrate's Order for Emergency Protection is issued (CCP 17.292, 17.293)**
- 25. Identify fine ranges for:**
- a. Class C Misdemeanors (PC 12.23)**
  - b. General Transportation Code Provisions (TC 542.401)**
  - c. Other Transportation Code Provisions**
    - i. DWLI (521.457)**
    - ii. Seat Belt (545.413)**
    - iii. Child Passenger Safety Seat (545.412(b))**
    - iv. Failure to Maintain Financial Responsibility (601.191)**
    - v. No Front License Plate (TC 504.943(e))**
    - vi. Passing a School Bus (TC 545.066)**
    - vii. Overweight Vehicles (TC 621.506 & 623.019)**
    - viii. Texting and other Electronic Communication Offenses (TC 545.424, 545.425, 545.4251)**
- 26. Know the procedures, including venue and timing for tow hearings (Occupations Code 2308.456, 2308.458, 2308.453)**
- 27. Be familiar with the offense of Voyeurism (PC 21.16)**
- 28. Know the requirements for School Offense Complaints (Education Code 37.146 & CCP 45.058(i))**
- 29. Understand when to apply certain court costs (CCP 102.015)**
- 30. Understand when a JP can issue title (TC 501.0521)**
- 31. Understand appropriate court function regarding hearing notices (Government Code Ch. 80)**
- 32. Be familiar with the clerk's role as it relates to stalking victims' option for a pseudonym (CCP 57A )**