**CAUSE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

STATE OF TEXAS § IN THE JUSTICE COURT

§

v. § PRECINCT \_\_\_\_

§

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ §

Defendant § \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS

**CAPIAS PRO FINE: CREDIT CARD OR DEBIT CARD PAYMENT AUTHORIZED**

**TO ANY PEACE OFFICER OF THE STATE OF TEXAS: GREETINGS**

The court issued a judgment of conviction in this case on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_. The court sentenced Defendant as follows:

Fine: $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Court Costs: $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Total Owed: $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Defendant has failed to pay $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the total amount indicated above. The court **FINDS** that Defendant has failed to satisfy the judgment according to its terms. A hearing was held to determine if the judgment imposed an undue hardship on Defendant.

* Defendant failed to appear at the hearing
* The court **FOUND** that the judgment did not impose an undue hardship on Defendant, **ORDERED** Defendant to satisfy the judgment within 30 days, and Defendant has failed to comply with that order.

The court, having adopted alternative procedures for collecting a past due payment, authorizes the peace officer who executes this writ to inform Defendant of the possibility of making an immediate payment of the fine and related court costs by use of a credit or debit card and Defendant's available alternatives to making an immediate payment. Specifically, the officer shall provide Defendant with the following information:

* If payment is not made, you must be immediately taken before a court for a hearing. However, if no judge is available to conduct a hearing, you may be temporarily confined in jail.
* A hearing before a court could result in the court placing you on a payment plan.
* A hearing before a court could result in the court allowing you to discharge the fine and costs by performing community service.
* A hearing before a court will result in your commitment to jail only if the court determines that you are:
  + not indigent and you failed to make a good faith effort to discharge the fine and costs; **or**
  + indigent and you failed to make a good faith effort to discharge the fine and costs by performing community service and could have done so without experiencing any undue hardship.
* A hearing before a court could result in the waiver of the outstanding fine and costs that you owe.
* A hearing before a court could result in a credit toward any fine or costs that you owe if you were confined in jail or prison after the commission of the offense before this court.
* If you are committed to jail, the court will determine the rate at which you will earn credit towards the fine and costs.

If Defendant elects to make a credit card or debit card payment after receiving this information from the arresting officer, the officer may accept, on behalf of the court, Defendant's immediate payment of the fine and related court costs by use of a credit or debit card, after which the peace officer may release Defendant as appropriate based on the officer's authority for the arrest. The peace officer may also accept payment for fees for the issuance and execution of the capias pro fine.

If Defendant elects not to make a credit card or debit card payment after receiving the information above, you are hereby **ORDERED** to arrest Defendant and bring Defendant before this court immediately. If this court is unavailable, you may take Defendant before any justice court or criminal magistrate with jurisdiction over fine-only misdemeanor cases located in the same county as this court. If no court is available, you may place Defendant in jail, in which case Defendant must be taken before an appropriate court before the close of the business day following the date of Defendant's arrest or be released from custody.

You are additionally **ORDERED** to file a return, showing how you executed this order.

**ISSUED AND SIGNED** on\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_**.**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JUSTICE OF THE PEACE, PRECINCT \_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS

**CAUSE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

STATE OF TEXAS § IN THE JUSTICE COURT

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ §

Defendant § \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS

**OFFICER’S RETURN OF CAPIAS PRO FINE**

Having received the capias pro fine in the above case on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_ at \_\_\_\_\_ \_\_.m., I proceeded to execute the writ on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_ at \_\_\_\_\_ \_\_.m. by:

* Accepting a credit card or debit card payment on behalf of the court.
* Arresting Defendant and taking Defendant:
  + Before this court immediately.
  + Before another justice court or a criminal magistrate with jurisdiction over fine-only misdemeanor cases.
  + To the county jail.

Additional information regarding the execution of this writ: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**RETURNED** on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Officer’s Name and Title

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Officer’s Signature