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

THE STATE OF TEXAS § IN THE JUSTICE COURT

 §

v. § PRECINCT NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 §

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ § \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 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 the above styled and numbered cause on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_. The Court sentenced the Defendant as follows:

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

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

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

The Defendant has failed to pay $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the total amount indicated above. The Court **FINDS** that the Defendant has failed to satisfy the judgment according to its terms.

The Court, having adopted alternative procedures for collecting a past due payment, authorizes the peace officer who executes this writ to inform the 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 the Defendant's available alternatives to making an immediate payment. Specifically, the officer shall provide the Defendant with the following information:

1) 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.

2) A hearing before a court could result in the court placing you on a payment plan.

3) A hearing before a court could result in the court allowing you to discharge the fine and costs by performing community service.

4) A hearing before a court will result in your commitment to jail only if the court determines that you are: A) not indigent and you failed to make a good faith effort to discharge the fine and costs; or B) indigent and you failed to make a good faith effort to discharge the fines and costs by performing community service and could have done so without experiencing any undue hardship.

5) A hearing before a court could result in the waiver of the outstanding fine and costs that you owe.

6) If you are committed to jail, the court will determine the rate at which you will earn credit towards the fine and costs.

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

**HEREIN FAIL NOT**, and return this writ to the Court, showing how you executed the same.

**ISSUED AND SIGNED** this \_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

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

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

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

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

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

Having received the capias pro fine in the above styled and numbered cause on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_.M., I proceeded to execute the writ on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_.M. by:

* Accepting a credit card or debit card payment on behalf of the Court.
* Arresting the Defendant and taking the 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** this \_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

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

 Officer’s Name and Title

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

 Officer’s Signature