

OFFICE OF COURT ADMINISTRATION TEXAS JUDICIAL COUNCIL



OFFICIAL JUSTICE OF THE PEACE MONTHLY REPORT INSTRUCTIONS

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LEGAL REQUIREMENTS

Section 71.035(b) of the Texas Government Code requires each judge, clerk, or other court official to report information pertaining to the civil and criminal business transacted by the court as required by the Texas Judicial Council.

The Official Justice of the Peace Monthly Report is to be used to report the activity of the justice court during each one-month period.

NOTE: Reports generated from a case management system should be an **exact replica** of the official monthly reporting form—*i.e., all categories should follow the order on the monthly reporting form, no categories should be added or omitted, and no data should appear in areas that are shaded on the form.*

Sections 171.1 and 171.2 of the Texas Administrative Code require submission of court activity reports each month to the Texas Judicial Council by **no later than 20 days following the end of the month reported.**

IMPORTANCE OF REPORTING

The monthly report is not designed to report everything that a court does nor everything that requires the attention or time of the judge. It is also not designed to reflect all of the clerk's responsibilities or to provide the basis for a complete case management system. Instead, the monthly report is designed to provide information required by law or needed by the legislative, executive, and judicial branches of government to make decisions regarding the jurisdiction, structure, and needs of the court system.

GENERAL INSTRUCTIONS

You must submit a report each month, even if your court had no activity. If your court had no activity for the month, you may indicate this by writing a large zero, “X,” or “No Activity” across the statistical part of the form.

Please complete all sections of the report that are relevant to your court. A blank will be interpreted as a zero.

Include only that activity that occurred during the month for which you are submitting a report. If you need to make changes to the information for a previous month, you must file an amended report. You should never adjust the current month's figures in an attempt to “fix” the information for previous months.

Lines 1 through 18 of the report are to be used to report the **numbers** of specific types of court activity, **not dollar amounts**; only **Line 19** is to be used to report **revenue in dollar amounts.**

COVER PAGE

Report Identification Information

On the front page, please complete the appropriate blanks identifying the **month** and **year** for the data being reported; the justice of the peace; the county and precinct; the court clerk; the court's mailing address, fax number, email address, and website address; and the name and telephone number of the person actually preparing the report.

Number of Conferences Held by Judge

NOTE: This information is not required to be reported, but may be filled out at the option of the judge or clerk.

Report the number of conferences held by the judge with citizens during the reporting month that:

- A. Resulted in Legal Action Being Filed in Your Court; or
- B. Resulted in No Legal Action Being Filed.

COURT CASELOAD

The top portion of the monthly report form is designed to collect information concerning the overall volume of filings and dispositions in each justice court, as well as the number of appeals filed. It is divided into two major subsections—criminal cases and civil cases, each of which are further divided into more specific case categories.

CRIMINAL CASES

Traffic Misdemeanors. This category includes all non-jailable misdemeanor violations of the Texas traffic laws and other violations of laws relating to the operation or ownership of a motor vehicle (for example, Speeding, Stop Sign, Red Light, Inspection Sticker, Driver's License, Registration, etc.). Maximum punishment is by fine and such sanctions, if any, as authorized by statute not consisting of confinement in jail or imprisonment. **NOTE: Do not include *Violations of Promise to Appear* here.**

Non-Traffic Misdemeanors. This category includes all other non-jailable misdemeanor violations found in the Texas Penal Code and other state laws (for example, Public Intoxication, Disorderly Conduct, Assault, Theft Under \$50, etc.). Maximum punishment is by fine and such sanctions, if any, as authorized by statute not consisting of confinement in jail or imprisonment. **NOTE: Include *Violation of Promise to Appear* and *Failure to Appear* cases here.**

CIVIL CASES

Small Claims Suits. This category includes all suits for the recovery of money (damages or debt up to \$10,000) brought to the justice of the peace as judge of the Small Claims Court in accordance with Chapter 28 of the Texas Government Code.

Forcible Entry and Detainer. This category includes all suits for forcible entry and detainer (recovery of possession of premises) brought under authority of Section 27.031, Texas Government Code; Texas Property Code, Sections 24.001-24.011; and Rules 738-755, Texas Rules of Civil Procedure.

Other Civil Suits. This category includes all other suits within the civil jurisdiction of the justice court, including those for recovery of money (damages or debt up to \$10,000) and for foreclosure of mortgages and enforcement of liens on personal property in cases in which the amount in controversy is otherwise within the justice court's jurisdiction as provided by Section 27.031 of the Texas Government Code. **NOTE: Include *dangerous dog cases* (in which no criminal charges have been filed), *tow hearings*, *junk vehicle*, and *deed restriction* cases here. Do not include *property hearings*, as they are statutorily defined as a magistrate duty (Art. 47.01-47.02).**

NOTES:

- Report only those cases over which the court exercises jurisdiction.
 - Include all juvenile cases also reported in Lines 6D through G, as well as parent contributing to nonattendance cases reported in Line 7.
 - Matters handled by the judge as a magistrate (e.g., certification of juvenile statements, juvenile detention hearings, acceptance of county court (class A or B misdemeanor) complaints or district court (felony) complaints, examining trials, property hearings, emergency protective orders, administration of warnings to adults or juveniles, search warrants, arrest warrants) must not be included here.
- Report only 1 disposition per case.
- Report dispositions when the judge signs the final judgment.

Line 1. NEW CASES FILED DURING THE MONTH

Enter the number of cases **filed** during the month.

NOTE: Do **not** report cases that were filed in previous months. To report cases filed in previous months, you must file an amended report for the month in which these cases were filed.

Line 2. DISPOSITIONS PRIOR TO TRIAL

A. Bond Forfeitures

Enter the number of cases in which a final judgment was entered on the forfeiture of a bond to ensure appearance. See Article 45.044 or Article 22.02, Texas Code of Criminal Procedure.

Notes:

- Under Article 22.02, a *judgment nisi* declaring a forfeiture of a bond is not a final judgment, as the case must be put on a *scire facias* or civil docket to allow the sureties to contest the bond forfeiture before a final judgment is entered. Also, under Ch. 22, Texas Code of Criminal Procedure, the underlying criminal case is not affected.
- When a bond forfeiture is entered on line 2A, do **not** count it again as a fine paid on line 2B.

B. Fined

Enter the number of cases that were disposed by payment of fine **without going before the judge**. Include payments submitted by mail, by electronic means, or in person.

NOTE: If the defendant **appears in person before the judge** and pleads guilty or *nolo contendere*, report the disposition on **Line 3A**, even if no trial otherwise occurred. Only when the defendant or the defendant's attorney physically appears before the judge is a defendant considered to have made an appearance before the judge.

C. Cases Dismissed

Enter the number of cases that were dismissed pursuant to a motion by a prosecutor before trial. Cases dismissed at trial should be reported on Line 3C.

*NOTE: Do not include dismissals after completion of a driver safety course, after deferred disposition, or after proof of financial responsibility; report these cases on **Line 4**.*

Line 3. DISPOSITIONS AT TRIAL

A. Trial by Judge

Enter the number of cases disposed in which the defendant **appeared before a judge** and a finding of guilty was made. Include appearances before a judge where the defendant pleaded guilty or nolo contendere, as well as trials before a judge in which a **final judgment was rendered**. Do **not** include appearances requesting continuances.

(1) Finding of Guilty

Enter the number of cases in which a **finding of guilty** was made. Include trials **and pleas of guilty or nolo contendere** before a judge.

(2) Finding of Not Guilty

Enter the number of cases disposed during the month where a **finding of not guilty** was made.

B. Trial by Jury

Report dispositions which occurred during the month where the defendant **had a jury trial**.

(1) Finding of Guilty

Enter the number of cases disposed during the month where a **finding of guilty** was made.

(2) Finding of Not Guilty

Enter the number of cases in which a **finding of not guilty** was made.

C. Cases Dismissed at Trial

Report all cases dismissed at or after trial that are **not** otherwise reported as dismissed on this form.

Line 4. CASES DISMISSED

Report only those cases disposed by one of the three types of dismissals below. Report all other dismissals on Line 2C or Line 3C.

A. After Driving Safety Course

Enter the number of cases that were dismissed because the defendant completed a driving safety course or motorcycle operator training and safety course as provided by Texas Code of Criminal Procedure, Article 45.0511.

NOTE: Do not report a case as dismissed until the course has been taken and the charge is dismissed.

B. After Deferred Disposition

Enter the number of cases that were dismissed during the month covered by this report because the defendant completed a deferred sentence as provided by Texas Code of Criminal Procedure, Article 45.051.

NOTE: Do not report a case as dismissed until the sentence is served and the charge is dismissed.

C. After Proof of Financial Responsibility

Enter the number of cases that were dismissed during the month covered by this report because the defendant produced evidence of financial responsibility as provided by Texas Transportation Code, Section 601.193.

Line 5. CASES APPEALED

Enter the number of cases during the month covered by this report for which an appeal from the final judgment of the court was filed by the defendant in criminal and civil cases **or** by the plaintiff in civil cases.

ADDITIONAL COURT ACTIVITY

The lower portion of the monthly report form is designed to collect information: 1) required by the Texas Legislature (Sec. 71.0352, Texas Government Code); 2) reflecting the activity of justices of the peace acting in the capacity of a magistrate; or 3) identified by the Texas Judicial Council as additional information that is important to collect from justice courts.

Line 6. JUVENILE ACTIVITY

NOTE: Activity reported in Lines 6D through 6G and Line 7 should also be reported, where appropriate, in Lines 1 through 5.

A. Warnings Administered

Enter the number of times the judge of this court, as a **magistrate**, gave juveniles charged with Title 3, Texas Family Code, violations official explanations of their right to counsel, right to remain silent, etc.

NOTE: If at the same time the judge also took the juvenile's statement or confession, report such on Line 6B.

B. Statements Certified

Enter the number of times statements from juveniles, including confessions, were certified during the month in accordance with Texas Family Code, Section 51.095.

C. Detention Hearings Held

Enter the number of juvenile detention hearings conducted by the judge during the month while acting as a substitute juvenile judge in a magistrate capacity in accordance with Texas Family Code, Section 54.01.

D. Failure to Attend School Cases Filed

Enter the number of cases filed for failure to attend school offenses under Section 25.094, Texas Education Code.

E. Violation of Local Daytime Curfew Ordinance Cases Filed

Enter the number of cases in which a person under 17 years of age was charged with violation of a local daytime curfew ordinance adopted under Section 341.905 or Section 351.903, Texas Local Government Code.

Note: Only cases involving violation of a “daytime” curfew should be reported; cases involving violations of a nighttime curfew should not be reported here.

F. Referrals to Juvenile Court for Delinquent Conduct

Enter the number of times the court refers a person under 17 years of age to juvenile court for delinquent conduct because the child failed to obey an order of the court under circumstances that would constitute contempt of court. See Article 45.050(c)(1), Texas Code of Criminal Procedure and Section 51.03(a)(2), Texas Family Code.

G. Child Held in Contempt, Fined, or Denied Driving Privileges

Enter the number of times the court holds a child in contempt, fines a child, or denies the child driving privileges because the child failed to obey an order of the court under circumstances that would constitute contempt of court. See Article 45.050(c)(2), Texas Code of Criminal Procedure.

Line 7. PARENT CONTRIBUTING TO NONATTENDANCE CASES FILED

Enter the number of cases in which the parent of a child was charged with contributing to nonattendance of school under Section 25.093, Texas Education Code.

Line 8. PEACE BOND HEARINGS HELD

Enter the number of hearings held by the judge during the month to determine whether or not a peace bond should be issued, regardless of when the complaint was filed, **or** when (or whether) a warrant was issued, **or** an order requiring the peace bond (if any) was entered.

Line 9. CLASS A OR B MISDEMEANOR COMPLAINTS ACCEPTED

Enter the number of misdemeanor complaints (i.e., probable cause affidavits) accepted during the month by the judge as a **magistrate**, under Section 15.04 of the Texas Code of Criminal Procedure, in which the defendant was charged with a Class A or B misdemeanor.

NOTE: Do not include these on Line 1 of this report.

Line 10. FELONY COMPLAINTS ACCEPTED

Enter the number of felony complaints (i.e., probable cause affidavits) accepted during the month by the judge as a **magistrate**, under Section 15.04 of the Texas Code of Criminal Procedure, in which the defendant was charged with a felony.

Line 11. EXAMINING TRIALS CONDUCTED

Enter the number of preliminary hearings on felony cases conducted by the judge, **as a magistrate**, during the month to determine whether, upon the basis of the evidence produced at such a hearing, the defendant should be bound over to the grand jury or should be discharged from custody.

Line 12. INQUESTS CONDUCTED

Enter the number of investigations conducted during the month into the causes and circumstances of the death of a person to determine whether the death was caused by an unlawful act or omission.

Line 13. SAFETY RESPONSIBILITY AND DRIVER'S LICENSE SUSPENSION HEARINGS HELD

Enter the number of hearings held by the judge during the month to determine whether a person's driver's license should be suspended.

Line 14. SEARCH WARRANTS ISSUED

Enter the number of search warrants the judge, as a **magistrate**, issued during the month which allowed law enforcement officers to search a particular premises or person.

NOTE: Enter warrants for arrest on Line 15 of this report.

Line 15. ARREST WARRANTS ISSUED

A. Class C Misdemeanors Only

Enter the number of arrest warrants issued by the court during the month in Class C misdemeanor cases only.

B. Felonies and Class A and B Misdemeanors Only

Enter the number of arrest warrants issued by the court during the month in all cases involving a felony or a Class A or B misdemeanor. Do not include Class C misdemeanor cases here. These

are warrants issued and signed by a judge when acting as a magistrate in response to a complaint filed by a prosecutor.

NOTE: Enter search warrants on Line 14 of this report.

Line 16. MAGISTRATE WARNINGS GIVEN

Enter the number of times during the month that the judge, as a **magistrate**, gave adult defendants charged with felony or Class A or B misdemeanor offenses official explanations of their right to counsel, right to remain silent, etc., as provided by the Texas Code of Criminal Procedure, Article 15.17.

NOTE: Report warnings given to juveniles on Line 6A.

Line 17. EMERGENCY MENTAL HEALTH HEARINGS HELD

Enter the number of hearings for emergency mental commitments held by the judge during the month as provided by Texas Health and Safety Code, Section 573.012.

Line 18. MAGISTRATE'S ORDERS FOR EMERGENCY PROTECTION

Enter the number of emergency protection orders issued by the judge, as a magistrate, under Texas Code of Criminal Procedure, Article 17.292.

Line 19. TOTAL REVENUE

Enter the total amount of money collected by the court during the month. Include fines, fees, court costs, fees for copies, and forfeited bonds. This amount reflects the money collected both for the county and the state.

Do not include the amounts of civil judgments awarded to one of the parties in a civil case

Do not include amounts retained by a collections agency for service fees.¹

Omnibase fees should be included in the total revenue figure, as the Omnibase program is contract with the Department of Public Safety to provide information necessary for the department to deny renewal of drivers' licenses.²

If revenue is shown on Line 19, then **Fined** (Line 2B) and/or **Findings of Guilty** (Line 3A or B) must be shown as dispositions under the appropriate case-type category. *The only exception is where amounts owed (i.e., fines, fees, and/or court costs) are paid in installments in the month(s) following disposition. In these cases, no subsequent disposition on Lines 2B, 3A, or 3B is indicated; however, the revenue is still reported on Line 19.*

¹ Fees authorized by Article 103.0031, Texas Code of Criminal Procedure.

² Authorized by Chapter 706, Texas Transportation Code.

APPENDIX
TEXAS PENAL CODE CLASS C MISDEMEANOR CRIMES

| <u>Description</u> | <u>Penalty</u> | <u>Penal Code</u> |
|--|--------------------------|-------------------|
| Abuse of Official Capacity | F1, F2, F3, SJF, A, B, C | 39.02 |
| Aiding Suicide | SJF, C | 22.08 |
| Assault | F3, A, B, C | 22.01 |
| Bail Jumping and Failure to Appear | F3, A, C | 38.10 |
| Credit Card Transaction Record Laundering | F1, F2, F3, SJF, A, B, C | 32.35 |
| Criminal Mischief | F1, F2, F3, SJF, A, B, C | 28.03 |
| Criminal Trespass | A, B, C | 30.05 |
| Deceptive Business Practices | A, C | 32.42 |
| Deceptive Preparation and Marketing of Academic Product | C | 32.50 |
| Disorderly Conduct | B, C | 42.01 |
| Dog Fighting | SJF, A, C | 42.10 |
| Failure to Identify | A, B, C | 38.02 |
| False Report Regarding Missing Child or Missing Person | C | 37.081 |
| False Statement to Obtain Property or Credit | F1, F2, F3, SJF, A, B, C | 32.32 |
| Gambling | C | 47.02 |
| Hindering Secured Creditors | F1, F2, F3, SJF, A, B, C | 32.33 |
| Illegal Divulgence of Public Communications | SFJ, A, C | 16.05 |
| Illegal Recruitment of an Athlete | F1, F2, F3, SJF, A, B, C | 32.441 |
| Insurance Fraud | F1, F2, F3, SJF, A, B, C | 35.02 |
| Interference with Police Service Animals | F3, SJF, A, B, C | 38.151 |
| Interference with Railroad Property | F1, F2, F3, SJF, A, B, C | 28.07 |
| Issuance of Bad Check | B, C | 32.41 |
| Leaving a Child in a Vehicle | C | 22.10 |
| Making a Firearm Accessible to a Child | A, C | 46.13 |
| Misapplication of Fiduciary Property or Property of Financial Institution | F1, F2, F3, SJF, A, B, C | 32.45 |
| Misuse of Official Information | F3, C | 39.06 |
| Obscene Display or Distribution | C | 43.22 |
| Possession of Alcoholic Beverage in Motor Vehicle | C | 49.031 |
| Preventing Execution or Civil Process | C | 38.16 |
| Public Intoxication | C | 49.02 |
| Reckless Damage or Destruction | C | 28.04 |
| Securing Execution of Document by Deception | F1, F2, F3, SJF, A, B, C | 32.46 |
| Smoking Tobacco in Unauthorized Place | C | 48.01 |
| Theft | F1, F2, F3, SJF, A, B, C | 31.03 |
| Theft of or Tampering with Multichannel Video or Information Services | A, B, C | 31.12 |
| Theft of Service | F1, F2, F3, SJF, A, B, C | 31.04 |
| Trademark Counterfeiting | F1, F2, F3, SJF, A, B, C | 32.23 |
| Use of Laser Pointers | C | 42.13 |

