



SLRM
STATE AND LOCAL
RECORDS
MANAGEMENT

Records Management Basics
Texas Municipal Courts
Education Center
April 4, 2017

P.O. Box 12927, Austin, TX 78711-2927
(512) 463-7610 | slrminfo@tsl.texas.gov
www.tsl.texas.gov/slrml

About Us: TSLAC

Records Management Assistance




- 6 Government Information Analysts
- Consulting and Training
- Retention Schedule Reviews and Development

Call: 512-463-3178 | Email: slrminfo@tsl.texas.gov

Need to find something?

www.tsl.texas.gov/slrml

- Publications
- Forms
- Retention schedules
- Training materials
- Contact information



Agenda

Definitions and Rules	<ul style="list-style-type: none"> • What is a government record? • Why do I have to do this?
Retention Schedules	<ul style="list-style-type: none"> • Find out how long to keep records. • Meet the compliance requirements.
Disposition and Storage	<ul style="list-style-type: none"> • Types of disposition. • Storage standards • Destruction holds.
Managing e-Records	<ul style="list-style-type: none"> • Access Goals • Managing email, shared drives, etc.

Local Government Records Act



Local Government Records Act


Bulletin D

- Definitions
- Local authority and compliance requirements
- Role of Records Management Officer (RMO)

<http://bit.ly/bulletind>

Local Government Record

- Documents the transaction of public business
- Is created or received by a local government
- Is a record whether it is open or closed
- May exist in any medium



“Non-Records”

- ✘ **Convenience copies:** “Extra identical copies of documents created only for convenience of reference or research” (Local Government Code §201.003(8)(A))
- ✘ Copies of documents furnished to the public as part of a Public Information Act request



“Non-Records”

- ✘ Blank forms/stocks of publications
- ✘ Library or museum materials
- ✘ Alternative Dispute Resolution working files



Compliance

1. Records Management Policy (Order, Ordinance, Resolution)
2. Records Management Officer (RMO)
3. Records Retention Schedule/Decision



Compliance Element 1: Records Management Policy

- Should designate Records Management Officer (RMO) – by *position* is recommended
- Must be approved by:
 - Elected official (for elective offices); or
 - Governing body. Must also file documentation showing governing body approval of policy.
- Must file with TSLAC

Compliance Element 1: Policy Models

- PM1 – Elected county official
 - PM2 – Counties or large local governments
 - PM3 – Small municipality
 - PM4 – Small local government
- } Must include documentation showing approval by governing body
- Policy Models: <http://bit.ly/tslac-forms>

Compliance Element 2: RMO Appointment

- Must match policy
- Designation of Local Government RMO
 - Form SLR 504
- Notify us within 30 days

Designation of Local Government Records Management Officer

Please print the name of the officer in all caps. The purpose of this form is to notify the Texas State Library and Archives Commission of a change in Records Management Officer status.

Only counties and independent cities are eligible to file this form. All other local governments contact the Texas State Library and Archives Commission for more information.

Section 1 - Elected County Officers ONLY

- County _____
- Title of Officer _____
- Name of Officer _____
- Address _____
- City _____ ZIP code _____
- Telephone _____
- Email address (optional) _____

Please subscribe the email address to the Texas Record.org for news and training information.

Signature _____ Date _____

Section 2 - All Other Local Government Officers

Before filing this form, obtain the Records Management Officer's approval to your governing body. If the position of the RMO has changed, all the above names are no longer being used, a new policy must be filed along with this form.

- County _____
- Title of Officer _____
- Name of Officer _____
- Address _____
- City _____ ZIP code _____
- Telephone _____
- Email address (optional) _____

Please subscribe the email address to the Texas Record.org for news and training information.

Signature _____ Date _____

Please return original, signed form within 30 days of RMO change to:

State and Local Records Management Division
Texas State Library and Archives Commission
1100 West 11th Street
Austin, TX 78717-2007

Compliance Element 3: Retention Decision

Three Options:

- A. Permanent retention of all records;
- B. Declaration of Compliance (SLR 508);
- C. Records Control Schedule (SLR 540/500)

Compliance Element 3: Retention Decision

Option B: Declaration of Compliance

- o Adopt TSLAC local schedules
- o Form SLR 508
- o Choose schedules that apply to your organization



Definitions and Rules

- What is a government record?
- Why do I have to do this?

Retention Schedules

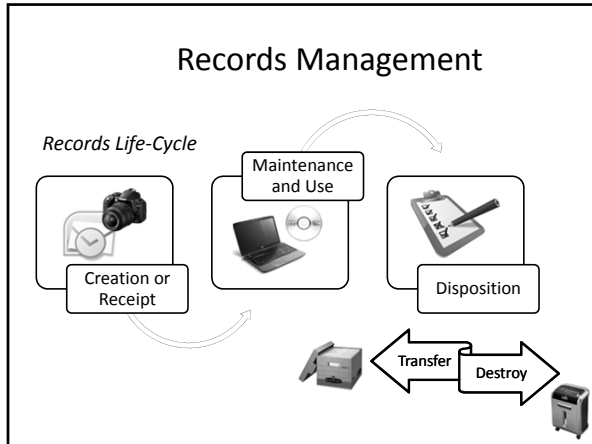
- Find out how long to keep records.
- Meet the compliance requirements.

Disposition and Storage

- Types of disposition.
- Storage standards
- Destruction holds.

Managing e-Records

- Access goals.
- Managing email, shared drives, etc.



Local Retention Schedules

GR – General Records *plus...*

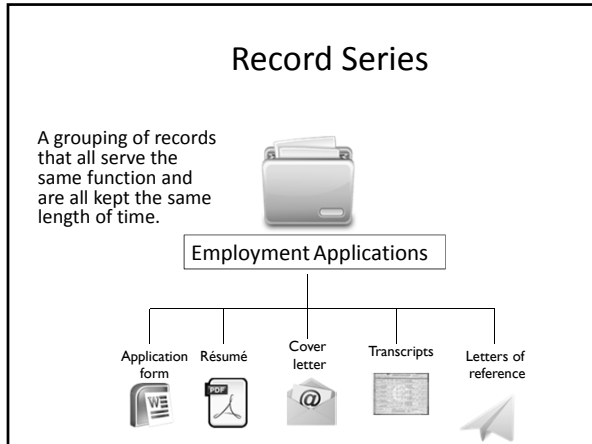
- CC – County Clerk
- DC – District Clerk
- EL – Elections/Voter
- HR – Health
- JC – Junior Colleges
- LC – Justice/Municipal Courts
- PS – Public Safety
- PW – Public Works
- SD – Schools
- TX – Taxation
- UT – Utility Services

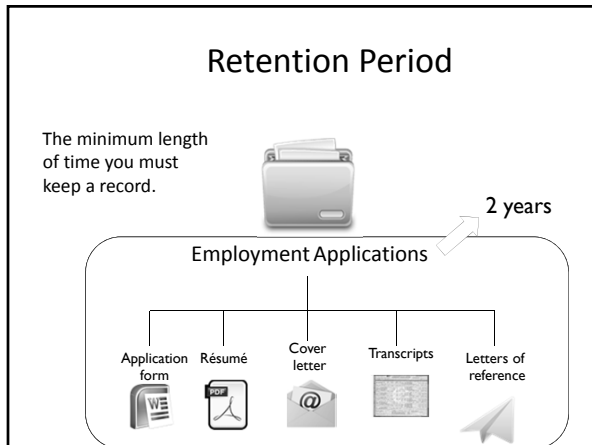
<http://bit.ly/localschedules>

Local Schedule LC

- Retention Schedule for Records of Justice and Municipal Courts
 - Part 1: Civil and Criminal Records
 - Part 2: Inquest Records
 - Part 3: Vital Statistics Records
 - Part 4: Miscellaneous Records
 - Part 5: Juvenile Records

<http://bit.ly/schedulelc>





How to read a records series

Unique # What TSLAC calls this series. The scope of the series. Minimum amount of time you have to keep these records. Statutes and other notes about retention added by TSLAC.

Record Number	Record Title	Record Description	Retention Period	Remarks
LC2350-05	PARKING AND PEDESTRIAN VIOLATION TICKETS	Parking or pedestrian violation tickets that have been cleared by payment, dismissal, or other action.	6 months.	Retention Note: It is an exception to the 6-month retention period that if the tickets are used as vouchers for direct posting to receipt journals or ledgers, the tickets must be retained for FE + 3 years.

LET'S WORK TOGETHER
Records Analysis Exercise

Agenda

Definitions and Rules	<ul style="list-style-type: none"> • What is a government record? • Why do I have to do this?
Retention Schedules	<ul style="list-style-type: none"> • Find out how long to keep records. • Meet the compliance requirements.
Disposition and Storage	<ul style="list-style-type: none"> • Types of disposition. • Storage standards • Destruction holds.
Managing e-Records	<ul style="list-style-type: none"> • Access goals. • Managing email, shared drives, etc.

Disposition of Records

- Actions taken with regard to government records
- Disposition  Destruction
- Disposition is a **comprehensive** term that includes both destruction and transfer of government records to archival institutions.

<http://www.archives.gov/records-mgmt/faqs/scheduling.html#disposition>

Types of Disposition

Archival Transfer



Destruction



Transfer to Archives

• **Section 203.049. Transfer of Records of Permanent Value.**

(b) Transfers of permanent records to another local government require the prior approval of the director and librarian.

(c) In a transfer of permanent records under this section, title and control of the records and all rights pertaining to the records granted by law to the original custodian or elected county officer are vested in the commission or the local government that receives the records.



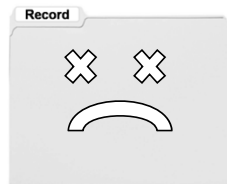
Destruction: Paper Records

• **Confidential records**

- Shredding
- Pulping
- Burning

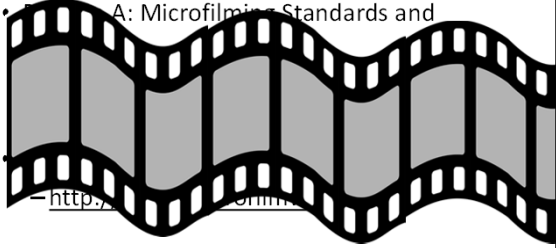
• **Open records**

- Recycling
- Landfills




Destruction: Microforms

- Bulletin A: Microfilm Standards and Procedures
 - <http://www.gpo.gov>



Destruction: Electronic

- Bulletin B: Electronic Records Standards and Procedures
 - <http://bit.ly/bulletinb>
 - **Reformat** (enlist IT)
 - **Overwrite** (at least 3 times)
 - **Degauss** (neutralize magnetic field)
 - **Physically destroy** (shred, pulverize, drill holes)



Destruction Holds

LGC §202.002 Litigation and Open Records Requests

- Litigation
- Public Information Request
- Audit
- Claim
- Negotiation




STORAGE STANDARDS

Records Storage Standards

- Texas Administrative Code
– 13 TAC Chapter 7
Subchapter F
- Minimum conditions
- Optional enhanced conditions


<http://bit.ly/bulletinf>




General

- Pre-1951 court records and permanent records
- Do not apply to records being transported, temporarily housed or displayed, or in active use
- Apply only to paper records


STORAGE



Protected from environmental hazards and unauthorized access




Protected from direct exposure to sunlight




Records should not be stored in contact with the floor

STORAGE



Storage area must have a fire detection system






Storage area cannot be located in a flood plain *

* Required only for structures built after April 7, 2015.

Optional Enhanced Conditions

- Operational fire suppression system
- Adequate environmental controls
- Pest management program
- Appropriate shelving



What is metadata?

- Data about data
- Part of the electronic record
 - Information about the e-record
 - Stays with record
 - Created by systems or people



Example of metadata

Data

Metadata



Property	Value
Width	4272 pixels
Height	2848 pixels
Horizontal Resolution	72 dpi
Vertical Resolution	72 dpi
Bit Depth	24
Frame Count	1
Equipment Make	Canon
Camera Model	Canon EOS DIGITAL REBEL...
Creation Software	Photos
Color Representation	sRGB
Shutter Speed	1/80 sec.
Lens Aperture	F/5
Focal Length	58 mm
F-Number	F/5
Exposure Time	1/80 sec.
FPS Speed	330-1400
Measuring Mode	Pattern
Exposure Program	Normal

What is "public information"?

(b) The media on which public information is recorded include:

- (1) paper;
- (2) film;
- (3) a magnetic, optical, solid state, or other device that can store an electronic signal;

- (4) tape;
- (5) Mylar; and
- (6) any physical material on which information may be recorded, including linen, silk, and vellum.

(c) The general forms in which the media containing public information exist include a book, paper, letter, document, e-mail, Internet posting, text message, instant message, other electronic communication, printout, photograph, film, tape, microfiche, microfilm, photostat, sound recording, map, and drawing and a voice, data, or video representation held in computer memory.

Texas Government Code, § 552.002 (Texas Public Information Act)

Text Messages

Case study:

Led to OAG opinion that text messages are subject to the Public Info Act.

<http://bit.ly/council-texts>

<http://bit.ly/texting-AG-opinion>



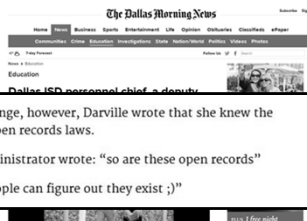
Instant Messages

- Case study:
School district
HR director

In one instant-message exchange, however, Darville wrote that she knew the conversation was subject to open records laws.

On Aug. 18, a DISD senior administrator wrote: "so are these open records"
Darville responded: "yes if people can figure out they exist :)"

<http://bit.ly/disd-instantmsg>



Twitter


- Case study:
City council
Twitter post
deleted



<http://bit.ly/tweetcase>

Transitory Information

- Temporary usefulness in completing an action
- Not essential to documenting business
- Not essential to fulfilling statutory obligations
- Not regularly filed within your office’s recordkeeping system
- Examples:
 - Outlook meeting reminder
 - Telephone message, email
 - “Where are you?” text



What’s the retention period?

- A. AV (Transitory Information)
- B. 1 year (Work Schedules)
- C. 4 years + review (Administrative Correspondence)
- D. N/A – Not a record

From: Sarah Jacobson Sent: Tue 6/28/2016 10:36

To: Erica Wilson; Emma Marbi; Megan Carey; Julie Wagner; Bonnie Zuber; Joshua Clark

Cc: July Classes - teaching assignments

Subject: Teaching assignments for July

IRM – Julie & Emma
EP – Megan & Joshua
MER – Erica & Bonnie

We are holding off rolling out the revised/combined IRM and EP course until September. If you need to make some edits to the current class slides, please have edits completed by noon on Thursday July 14th.

Please let me know if you have any questions or concerns.

Thanks,
Sarah

What’s the retention period?

- A. AV (Transitory Information)
- B. Fulfilled + 1 year (Public Information Request)
- C. Resolution + 2 years (Complaint)
- D. N/A – Not a record

Shirley White

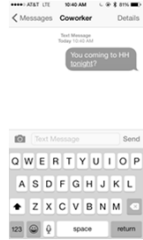
★ ★ ★ ★ ★ 02/07/2014

Love the education my daughter receives in Plano! I have serious issues with their censorship of comments on this page. Don't bother trying to connect with other parents through this SOCIAL media page. Your comments will simply be deleted because they cannot monitor and respond to all comments, but somebody can monitor close enough to delete those comments as soon as they go up.

Like Comment 12

What's the retention period?

- A. Resolution + 2 years (Complaint)
- B. Fulfilled + 1 year (Public Information Request)
- C. AV (Transitory Information)
- D. N/A – Not a record



Bulletin B

Statutes
Local Government
Code Chapter 205

Rules
13 TAC §§
7.71-7.79

<http://bit.ly/bulletinb>

Bulletin B Sections

Electronic
Records
Standards and Procedures

B



- § 7.71: Definitions
- § 7.72: General
- § 7.73-4: Creation
- § 7.75: Security
- § 7.76: Maintenance
- § 7.77: Retention
- § 7.78: Destruction
- § 7.79: Public Access


Bulletin B Applicability

§7.72. General.

(a) These sections establish the minimum requirements for the maintenance, use, retention, and storage of any electronic record of a local government whose retention period is 10 years or more on a records retention schedule adopted under Section 7.125 of this title (relating to Records Retention Schedules). These sections do not apply to electronic records with retention periods of less than 10 years, but they are subject to the applicable provisions of the Local Government Code, Chapter 205.

13 TAC § 7.72(a)

Bulletin B Goals



Electronic Records
Standards and Procedures
B

LOCAL GOVERNMENT BULLETIN B
2017-2018

Goals:

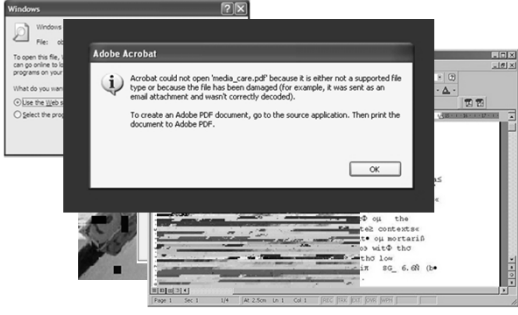
“The commission shall adopt rules establishing standards and procedures... that the commission considers necessary to **ensure the availability, readability, or integrity** of the local government record data.”

LGC §205.003

Access Goals

Availability	Readability	Integrity
<ul style="list-style-type: none"> •Record can be located •Kept until retention is met 	<ul style="list-style-type: none"> •Can be opened •Can be read 	<ul style="list-style-type: none"> •Complete •Authentic •Functions adequately

Examples of "Digital Damages"



Bulletin B

"Change is certain."
- Percy Bysshe Shelley

Have a
migration
plan!

"The migration strategy
for upgrading equipment
as technology evolves
must be documented and
include..." - 13 TAC §7.76(a)



Goal 1: Availability

- The record is kept for its full retention period
- Safest storage option:
 - Network server that gets backed up regularly
 - More than one physical location



Goal 1: Availability

- LOCKSS and the “3 copy rule”
 - Data redundancy – 2-3 backup copies
 - Combination of cloud backup, external USB hard drive, flash drive

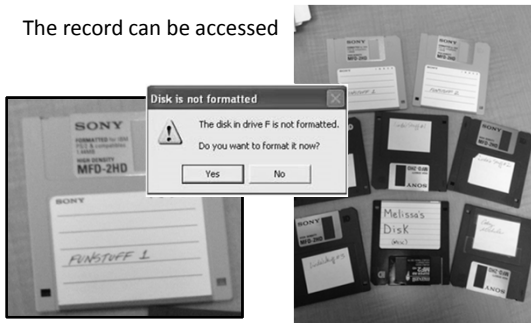


Goal 2: Readability



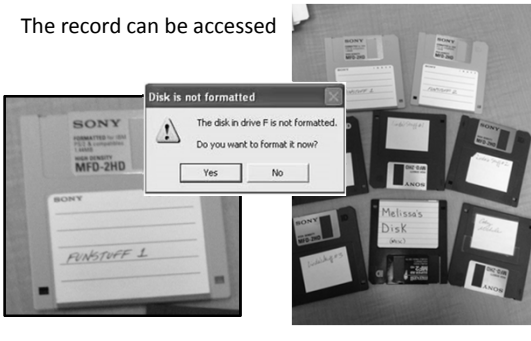
Goal 2: Readability

- The record can be accessed



Goal 2: Readability

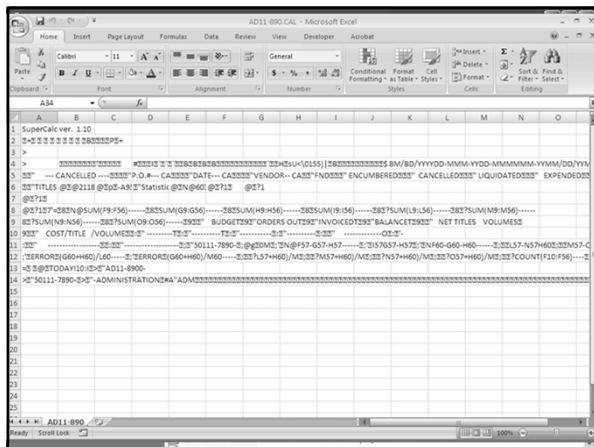
- The record can be accessed

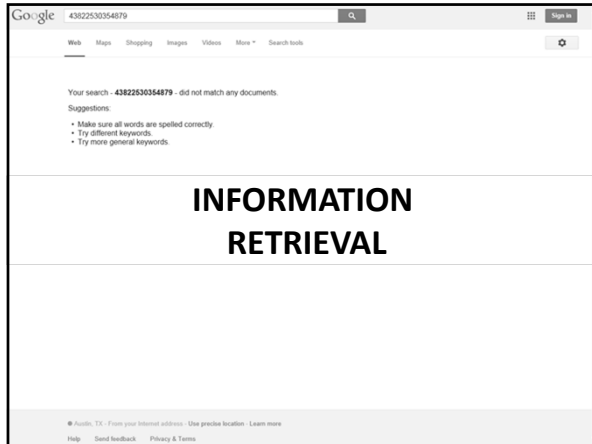


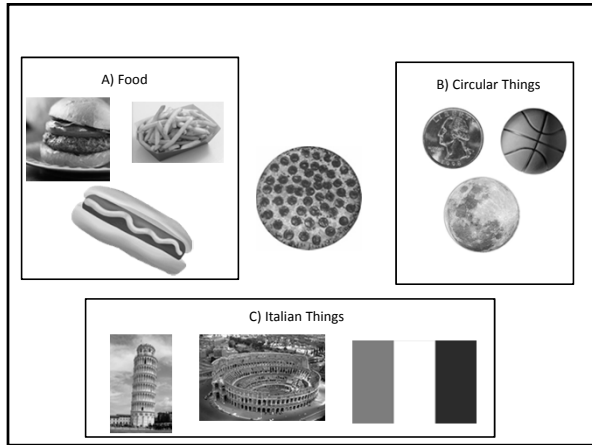
Goal 2: Readability

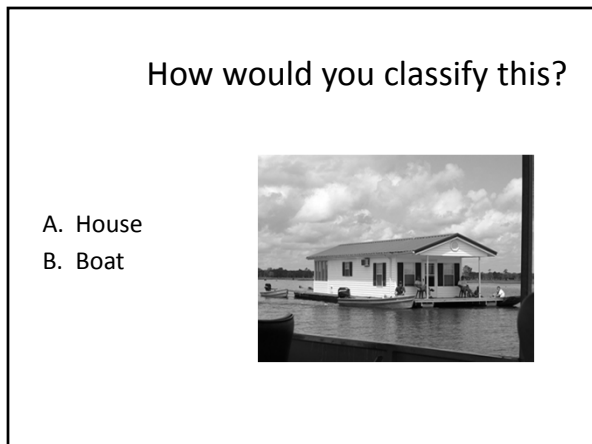
- The record can be accessed
- The record can be read











How would you classify this?

- A. Stuffed Animal
- B. Blanket



How would you classify this?

- A. Sci-fi
- B. Mystery
- C. Drama



**COMMON ORGANIZATION
PROBLEMS**

No Naming System

Which file contains the meeting minutes from October 12, 2005?

- Be descriptive.
- Create a labeling system that works for your office.
- Keep retention schedule in mind.

DOC.PDF	3,773 KB
DOC001.PDF	439 KB
DOC002.PDF	1,399 KB
DOC003.PDF	4,943 KB
DOC004.PDF	416 KB
DOC005.PDF	590 KB
DOC006.PDF	3,547 KB
DOC007.PDF	34 KB
DOC008.PDF	316 KB
DOC009.PDF	2,526 KB
DOC010.PDF	238 KB
DOC011.PDF	3,629 KB
DOC012.PDF	1,076 KB
DOC013.PDF	3,207 KB
DOC014.PDF	1,209 KB
DOC015.PDF	1,071 KB
DOC016.PDF	1,002 KB
DOC017.PDF	2,247 KB
DOC018.PDF	738 KB

Bad Naming System

Month-Day-Year

- 2-3-9.docx
- 2-15-11.docx
- 3-1-10.docx
- 3-28-11.docx
- 3-31-9.docx
- 4-12-11.docx
- 6-7-10.docx
- 6-8-9.docx
- 7-1-11.docx
- 8-3-9.docx
- 8-3-10.docx

Year-Month-Day

- 2009-02-03.docx
- 2009-03-31.docx
- 2009-06-08.docx
- 2009-08-03.docx
- 2010-03-01.docx
- 2010-06-07.docx
- 2010-08-03.docx
- 2011-02-15.docx
- 2011-03-28.docx
- 2011-04-12.docx
- 2011-07-011.docx

Folder Naming

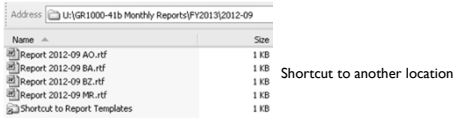


Sc. 201 RMA Training Program
Records - FE+5

- Use record series titles, item numbers, retention periods
- Use common acronyms/abbreviations
- Be specific
- Be consistent!

Can't Decide Where to File

- Centralize records of common interest
- Create shortcuts: cross-references for the other logical locations



Running out of space

- Purge unneeded copies
- Purge records that have met retention
- Request additional server storage space

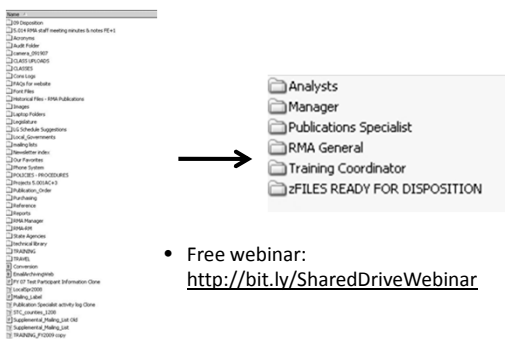


Different Retention Periods in the Same Folder

- Create separate subfolders for different retention periods




Shared Drive Cleanup



→

- Free webinar:
<http://bit.ly/SharedDriveWebinar>

EMAIL




Let's get this out of the way...

When you ask:

How long do I keep my email?

We will tell you:

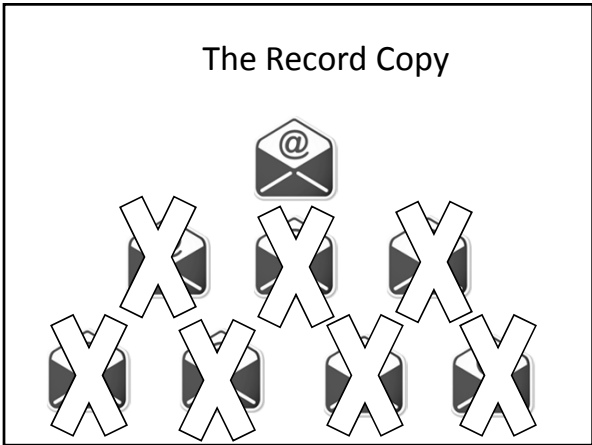
1. Email is a *format* of a record, not a type of record.
2. You must determine the retention by analyzing the **content** of the email.



When are email messages records?

GOVERNMENT RECORD:
Communication sent or received in transaction of public business

- Same criteria as paper records
- Sent on personal devices or in personal accounts regarding government business



The Record Copy

- Custodian: The person who has the record copy, which need to be preserved for the full retention period
- Sender copy is typically the record copy
 - Sender is custodian of record copy
- Recipient copy is **also** a record if:
 - You need to take action based on message
 - Message required for adequate documentation of action

**3 STEP DRILL
WHICH EMAILS DO I KEEP?**

What should you keep?


- Develop a system
 - Make it a habit
- 3-step drill: “What Do I Need To Keep”
 - Guide to determining which emails to retain

Is this a record? Is this related to my job? Am I the custodian?

Step 1: Is the email a record?

Emails that are NOT records:

- Personal email
 - Tip: Organize messages by sender to quickly identify personal messages
- CC’s
 - It’s someone else’s responsibility



Step 1: Is the email a record?



Emails that are NOT records:

- Unsolicited email
 - Vendor ads, news articles, non-work related e-mail from coworkers
- Convenience copies
 - The record copy is retained elsewhere
- Spam

Step 2: Is it related to your job?

Is the content of the email directly related to your responsibilities as a government employee?

- If **no**, *delete or forward*




- If **yes**...

Step 3: Are you the custodian?

Are you the designated person in your organization responsible for maintaining records related to this subject?

- If **no**, forward and delete your copy
- If **yes**...



Keep the email!

This email is the official record copy and you must retain it according to your approved records retention schedule.



Where do I even start?

- DON'T tackle your entire inbox at once – take small steps!
- Devote 5-10 minutes per day
- Make it habitual



Identify YOUR Records

- Number of records on retention schedule can be overwhelming
- Identify only the records that apply to you
 - What types of email do you send?
 - What types of email do you receive?
- Generally not more than 10 records series

Main Categories of Email Records

- Correspondence
 - Administrative
 - General
 - Routine/transitory



- Records related to your specific responsibilities (Program Records)



When are emails NOT correspondence?

Records, but not correspondence

- Leave requests
- Reports
- Working papers
- Meeting minutes or agendas
- Work assignments or schedules
- Job applications
- Transitory information

Non-records

- Copies
- Reference material
- Spam
- Listserv emails

Correspondence

- **Administrative** – 4 years
 - GR1000-26a
- **General** – 2 years
 - GR1000-26b
- **Routine/Transitory** – AV (purpose has been fulfilled)
 - GR1000-26c

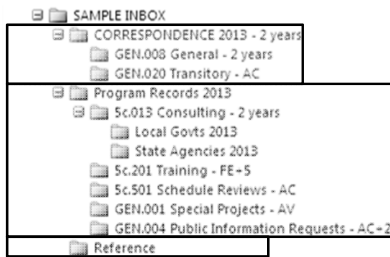


Program Records

- Related to your specific job responsibilities
- Examples:
 - Complaints
 - Directives
 - Public Information Requests
 - Property Appraisal Records



Email File Plan example



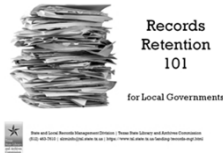
Summary

- ✓ **Definitions and rules**
 - Know what is – and is not – a government record.
- ✓ **Retention Schedules**
 - Know how to use schedules to find how long to keep records.
- ✓ **Disposition & Storage**
 - Know how to safely destroy records that have met retention and care for permanent records.
- ✓ **Managing e-records**
 - Know the challenges and goals of digital preservation.
 - Know how to manage emails and shared drives.

More Training Opportunities

Free Webinars:

- Records Retention 101
- Managing email
- Long-term preservation
- Imaging projects
- Shared drive management
- Disaster recovery/salvage
- And others...



<https://www.tsl.texas.gov/slrmt/webinars/index.html>

Stay Connected

The Texas Record blog:

- Announcements
- Upcoming training
- New services
- Featured questions



<https://www.tsl.texas.gov/slrmt/blog/>

Questions?

- **Ask An Analyst**
 - 512-463-7610
 - Find Your Analyst: <https://www.tsl.texas.gov/slrmt/local/countylist.html>
 - slrminfo@tsl.texas.gov
- **Stay Connected**
 - The Texas Record Blog: <https://www.tsl.texas.gov/slrmt/blog/>

The Court Abides: Penalties and Punishments

April 4, 2017

Artin DerOhanian

Senior Associate

Law Offices of Ryan Henry, PLLC

artin.derohanian@rshlawfirm.com

Instagram: TexasLaws

In this issue: Fines, Fees, Court Costs, Deferred Disposition, Community Service, Indigence Hearings, Special Cases, and Not So Special Cases

FINES

Why does the law impose fines?

What are the fines?

State Moving Violations: Texas Transportation Code § 542.401 states “A person convicted of an offense that is a misdemeanor under this subtitle ...shall be punished by a fine of not less than \$1 or more than \$200.”

Penal Code Violation: Texas Penal Code §12.23 states “An individual adjudged guilty of a Class C misdemeanor shall be punished by a fine not to exceed \$500.”

City Code Violations: Check your own City codes.

Other fines: See Texas Class C & Fine-Only Misdemeanors book (Green Book).

Why limited to Class C misdemeanors?

Municipal and justice courts in Texas have concurrent original jurisdiction over fine-only criminal offenses. These include any Class C misdemeanors punishable by a maximum fine of \$500. The Penal Code also provides that any state law violation that is not included in the Penal Code that carries a fine-only punishment is classified as a Class C misdemeanor. (Penal Code 12.41(3).) So, if the state law violation is

punishable by fine only, those are classified as Class C misdemeanors and those are prosecuted in municipal and justice courts.

What is not a Class C?

Any Penal Code violation punishable by more than \$500, or violations carrying more than fine punishments.

What about violations carrying more than \$500 in fines?

Fines carrying more than \$500 in fines are considered Class-C misdemeanors as long as the violation does not stem from the Penal Code.

Example: removing asbestos without a license is punishable with a maximum fine of \$20,000.00. This is a violation of Occupations Code §1954.402(b).

How can you know all the fines?

Get the Texas Class C & Fine-Only Misdemeanors book (Green Book).

Great resource that has most, if not all, of the offenses, code sections, penalties, penalty sections, and associated DPS codes and notes.

Standard Fines Calculations

San Antonio speeding fine: \$180 plus \$5 for each mile per hour above 10 mph.

Houston speeding fine: \$195 for 1-5 mph over posted limit; \$204 for 6-9 mph over posted limit; \$229 for 10-14 mph over posted limit; etc...

FEES and COURT COSTS

Pursuant to Tex. Gov't Code §102.021, if there is a judgment, sentence, or deferred adjudication, court costs must be paid in addition to all other costs. Additional court costs are specified in §102.121 for convictions in municipal courts.

Allocation of fines are a bit tricky, but the TMCEC prepared a chart for your use. See TMCEC's Court Costs Chart in Appendix A.

What about that 10 cents???

Gov't Code §102.121(7) allows for the collection of a civil justice fee pursuant to CCP Article 102.022. The amount of the civil justice fee is \$0.10.

Pursuant to 102.022(a), a “moving violation” means an offense that involves the operation of a motor vehicle and is classified as a moving violation under Transportation Code 708.052.

So, what is a “moving violation” under Trans. Code 708.052?

Not really clear. Ch. 708 is in regards to the Driver Responsibility Program, which allows points to be assessed against a person’s driver’s license. 708.052(c) says “The department by rule shall designate the offenses that constitute a moving violation of the traffic law under this section.” The only “moving violation” mentioned in Ch. 708 is a violation of child passenger restraint violation under Transport. Code 545.412.

However, if you look to 37 TAC §15.89(b), there is a list of moving violations listed by title of violation along with a notation of whether a violation of that title will result in the removal of Driver Responsibility Points. If violation is on the list, then it is a moving violation. The “Yes/No” notation states whether points will be taken off for violation. See Appendix B.

Separate records must be kept by the municipal clerk for the civil justice fee, pursuant to the standard set forth in 102.022(d). Other records are required by county or municipal treasurer, pursuant to 102.022(e).

Fees for payments in excess of 30 days. Pursuant to Local Government Code §133.103, a fee of \$25.00 must be assessed for each fine/charge/ticket when the defendant does not pay the fine in full within 30 days. The fee is assessed on the 31st day after the date the judgment is entered. This applies for convictions only – does not apply for deferred adjudication because no judgment is entered.

DEFERRED DISPOSITION

Code of Criminal Procedure Article 45.051 contains the relevant terms regarding deferred disposition (also referred to as “DD”).

Deferred Disposition is an alternative to traditional adjudication that a judge may offer to dispose of the proceedings without an adjudication of guilt. Upon completion of the terms of the Deferred Disposition, the judge shall dismiss the complaint, and it shall be noted that the complaint is dismissed, and there are no final convictions. CCP Art. 45.051(c). Deferred Disposition also terminates any liability under a bail bond or an appearance bond for that charge. CCP Art. 45.051(a)

Deferred Disposition is only available for fine-only (Class C misdemeanors) punishable cases.

If Deferred Disposition is allowed by the judge, the defendant is required to:

1. Enter a plea of guilty or no contest. The defendant can also be found guilty.
2. Defendant must pay all court costs.
3. Additionally, the judge may require the following:
 - a. Place the defendant on probation for a period not to exceed 180 days.
 - b. Impose a “special expense fee” not to exceed the maximum fine amount for that offense. Special Expense Fee may be waived by a showing of good cause. If collected, this fee is credited toward the payment of the fine imposed.
 - c. May allow payment of costs in installments,
 - d. Allow community service or tutoring programs.
 - e. Any combination of payments, community service or tutoring.
 - f. Post a bond in the amount of the fine.
 - g. Pay restitution to the victim, in an amount not to exceed the amount of the fine.
 - h. Submit to professional counseling
 - i. Submit to drug and alcohol diagnostic testing.
 - j. Submit to psychosocial assessment,
 - k. Participate in alcohol or drug abuse treatment or education programs
 - l. Pay costs of any of the above-mentioned evaluations
 - m. Complete a driver’s safety course.
 - n. Present evidence of completion of the above requirements.
 - o. “Comply with any other reasonable condition.” (Catch all).

Restrictions of Deferred Disposition: When the defendant is younger than 25 years of age, and the violation is a traffic offense considered a moving violation, then Drivers Safety Course (DSC) is required. The court may require an additional driver’s safety course.

Restriction of Deferred Disposition: When the defendant holds a provisional license, the judge shall require the defendant to retake his driver's test with DPS. Must also pay a \$10.00 examination fee.

Failure of completion of terms of Deferred Disposition: court shall notify defendant in writing and set an Order to Show Cause (OSC) hearing for Defendant to show why Deferred Disposition should not be revoked.

At the Order to Show Cause hearing, the court may allow additional time to complete requirements OR, the court may also impose the fine of the charge, or impose a lesser fine, the imposition of which will be considered a final conviction.

Exception: For Drivers Safety Course defendants, if the Drivers Safety Course is not completed, the court shall impose the fine assessed, and the imposition shall constitute a final conviction.

Persons holding a Commercial Driver's License cannot be offered a Deferred Disposition. Art. 45.051(f).

Specifics: Drivers Safety Course does not apply to a violation relating to motor vehicle control – other than a parking violation – for someone who holds a Commercial Driver's License or held a Commercial Driver's License at the time of the violation.

Defendant must pay for drug or alcohol classes, unless the judge determines the defendant is indigent and unable to pay the cost. The judge may allow payment of the cost of attending the program in installments during the Deferred Disposition period.

See TMCEC Deferral Chart at Appendix C.

COMMUNITY SERVICE

Pursuant to Code of Criminal Procedure §45.049, a judge may require community service for payment of some or all of the fine or costs.

Judge must specify the number of hours defendant is required to work.

Community service may only be done at "a governmental entity or a nonprofit organization that provides services to the general public that enhance social welfare and the general well-being of the community."

Generally, 16 hours per week maximum.

Eight hours of community service work equates to, at least, \$50.00 reduction.

INDIGENCE

A municipal court may waive payment of a fine or costs imposed on a defendant who defaults in payments if the court determines that (1) the defendant was indigent...and (2) discharging the fines by community service would impose an undue hardship on the defendant.

For fine-only offenses, there is no statutory means test for determining indigence. Judges have discretion in determining whether a defendant is indigent. Tex. Loc. Gov't Code define "indigent" as an individual who earns not more than 125 percent of the income standard established by applicable federal poverty guidelines.

Judges may use the Federal Poverty Guidelines or other guidelines as support for an indigence determination. In 2017, the 125% of the federal poverty level is an income of \$15,075 for an individual, \$20,300 for a household of two, \$25,525 for a household of three, \$30,750 for a household of four, \$35,975 for a household of five, \$41,200 for a household of six, \$46,425 for a household of seven, \$51,650 for a household of eight, and each additional member of the household as \$5,225 onto the household of eight.

To determine indigence, a court may require a defendant to provide income and asset information while under oath.

SPECIAL CASES

School zones and violations connected with schools have higher court costs:
School zone violations: \$25 extra; Passing a school bus violation: \$25 extra

Disable Parking: fine not less than \$500 nor more than \$750 for first offense.
\$550-\$800 plus 10 hours of community service for second offense.

Underage alcohol offenses – convictions or deferred disposition receives mandatory community service related to alcohol education (Texas Alcoholic Beverage Code 8-12 hours on first offense §106.071), and mandatory alcohol awareness class (Texas Alcoholic Beverage Code §106.115). Alcohol related offenses appear under Alcohol Beverage Code §§106.02, 106.025, 106.04, 106.05, and 106.07.

Construction Zones: Fine maximum and minimums double for violations occurring in construction zones when workers are present and with written notice that states workers are present.

Violators of Boating Laws (Tex. Parks and Wildlife Code Ch. 31) can take a boater education course in lieu of paying a fine. Maximum 60 days of probation. Only allowed for first time violations. Successful completion waives imposition of fine.

COURT COSTS

For conviction of offenses committed on or after September 1, 2015

OFFENSE/DESCRIPTION	State CF	State JSF	State IDF	State JRF	State TPDF	State STF	Local TFC	Local CS	Total
Municipal Ordinance									
• Parking (authorized by Section 542.202 or Chapter 682, Transportation Code)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	*1	*1
• Pedestrian	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
• Other city ordinances not categorized above	40.00	6.00	2.00	4.00	2.00	N/A	N/A	N/A	54.00
State Law									
✦ Transportation Code, Rules of the Road (Chapters 541-600)									
• Parking and Pedestrian (in school crossing zone)	N/A	N/A	N/A	N/A	N/A	30.00	3.00	25.00	58.00
• Parking and Pedestrian (outside school crossing zone)	N/A	N/A	N/A	N/A	N/A	30.00	3.00	N/A	33.00
• Passing a School Bus (Section 545.066)	40.00	6.00	2.00	4.00	2.00	30.00	3.00	25.00	112.10 ^{*2}
• Other Rules of the Road offense in a school crossing zone	40.00	6.00	2.00	4.00	2.00	30.00	3.00	25.00	112.00 ^{*2}
• Other Rules of the Road offense outside a school crossing zone	40.00	6.00	2.00	4.00	2.00	30.00	3.00	N/A	87.00 ^{*2}
✦ Parking and Pedestrian Offense (not under the Rules of the Road)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
✦ Education Code									
• Parent Contributing to Nonattendance (Section 25.093)	40.00	6.00	2.00	4.00	2.00	N/A	N/A	20.00	74.00
✦ All other fine-only misdemeanors not mentioned above	40.00	6.00	2.00	4.00	2.00	N/A	N/A	N/A	54.00 ^{*2}

For the purpose of assessing, imposing, and collecting most court costs and fees, a person is considered to have been convicted if, pursuant to Section 133.101 of the Local Government Code or the specific statute authorizing the court cost, either: a judgment, sentence or both are imposed on the person; or the person receives a DSC, deferred disposition, or some other deferral (see Articles 45.051-45.053 of the Code of Criminal Procedure). In contrast, this expanded definition of conviction does not appear in the statute establishing the Juror Reimbursement Fee.

***1 Additional Child Safety Fund costs:**

- \$2-\$5 court cost for cities with population greater than 850,000 that have adopted appropriate ordinance, regulation, or order (mandatory).
- Up to \$5 court cost for cities with population less than 850,000 that have adopted appropriate ordinance, regulation, or order (optional).

***2 MVF:** Add 10¢ court cost on all moving violations. Moving violations are found in Title 37, Section 15.89(b) of the Texas Administrative Code. Note that some moving violations are in codes other than the Transportation Code. Because passing a school bus is a moving violation, the 10¢ has already been calculated into the total.

Abbreviation	Name of Cost/Fee	Legal Reference	Applies To	Portion Remitted, Retained
CF	Consolidated Fee	Section 133.102, Local Government Code	All but parking and pedestrian offenses	90% State, 10% City If timely remitted on quarterly report
JSF	Judicial Support Fee	Section 133.105, Local Government Code	All but parking and pedestrian offenses	90% State, 10% City If timely remitted on quarterly report <ul style="list-style-type: none"> Portion retained by city must be used to promote the efficient operation of the court and the investigation, prosecution, and enforcement of offenses within the court's jurisdiction.
IDF	Indigent Defense Fund	Section 133.107, Local Government Code	All but parking and pedestrian offenses	90% State, 10% City If timely remitted on quarterly report
JRF	Juror Reimbursement Fee	Article 102.0045, Code of Criminal Procedure	All but parking and pedestrian offenses	90% State, 10% City If timely remitted on quarterly report
TPDF	Truancy Prevention and Diversion Fund	Article 102.015, Code of Criminal Procedure	All but parking and pedestrian offenses	50% State, 50% City <ul style="list-style-type: none"> If city is operating, establishing, or attempting to establish a JCM program; otherwise 100% to State Remitted on quarterly report Must be used to operate or establish a JCM program
STF	State Traffic Fine	Section 542.4031, Transportation Code	Rules of the Road offenses (Chapters 541-600, Transportation Code)	95% State, 5% City If timely remitted on quarterly report
TFC	Local Traffic Fee	Section 542.403, Transportation Code	Rules of the Road offenses (Chapters 541-600, Transportation Code)	100% City
CS	Child Safety Fund	Article 102.014, Code of Criminal Procedure	Rules of the Road offenses occurring in a school crossing zone; passing a school bus; parent contributing to nonattendance; some city ordinance parking violations	100% City <ul style="list-style-type: none"> Must be deposited in municipal child safety trust fund in municipalities with population greater than 850,000 For others, shall first fund school crossing guard program with excess expended for programs designed to enhance public safety and security
MVF	Moving Violation Fee	Article 102.022, Code of Criminal Procedure	Moving violations (Title 37, Section 15.89(b) of the Texas Administrative Code)	90% State, 10% City If timely remitted on quarterly report

FEES (add the following whenever they apply):

- ✦ The following fees are collected upon conviction for **services performed by a peace officer** (Article 102.011 of the Code of Criminal Procedure and Section 133.104 of the Local Government Code):
 - \$5 arrest fee for issuing a written notice to appear in court following the defendant's violation of a traffic law, municipal ordinance, penal law, or for making an arrest without a warrant; when service is performed by a peace officer employed by the State, 20% is sent to the State on the quarterly report.
 - \$50 warrant fee for executing or processing an issued arrest warrant, *capias*, or *capias pro fine*; when service is performed by a peace officer employed by the State, 20% is sent to the State on the quarterly report; when service is performed by another agency, that agency can request the amount of the fee.
 - \$5 for serving a subpoena.
 - \$5 for summoning a jury.
 - \$35 for serving any other writ (includes summons for a defendant or a child's parent).
 - Other costs: costs for peace officer's time testifying off duty or mileage for certain transports.
- ✦ Fees created by city ordinance
 - **Juvenile Case Manager Fee:** up to \$5 on every conviction if governing body has passed required ordinance establishing a juvenile case manager fund and has hired a juvenile case manager; to be used only to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses of the juvenile case manager. Once those costs are paid, funds may be used to implement programs directly related to the juvenile case manager (Article 102.0174 of the Code of Criminal Procedure).
 - **Municipal Court Building Security Fund:** \$3 on every conviction if governing body has passed required ordinance establishing building security fund; to be used only for security personnel, services, and items related to buildings that house the operation of the municipal court (Article 102.017 of the Code of Criminal Procedure).
 - **Municipal Court Technology Fund:** up to \$4 on every conviction if governing body has passed required ordinance establishing the municipal court technology fund; to be used only to finance the purchase of or to maintain technological enhancements for the municipal court (Article 102.0172 of the Code of Criminal Procedure).
 - **Special Expense Fee:** up to \$25 for execution of a warrant for failure to appear or violation of promise to appear if governing body has passed required ordinance (Article 45.203 of the Code of Criminal Procedure).
- ✦ **Jury Fees**
 - \$3.00 fee collected upon conviction when a case is tried before a jury or when the defendant requested a jury trial and then withdrew the request within 24 hours of the trial setting (Article 102.004 of the Code of Criminal Procedure).
 - Actual costs incurred for impanelling a jury when the defendant fails to appear for a jury trial (Article 45.026 of the Code of Criminal Procedure).
- ✦ **Time Payment Fee:** \$25 fee on conviction if defendant pays any part of the fine, court costs, fees, or restitution on or after the 31st day after the date judgment is entered; 50% is remitted to the State on the quarterly report; 50% stays with the city; \$2.50 of that shall be used for the purpose of improving the efficiency of the administration of justice and the city shall prioritize the needs of the judicial officer who collected the fee (Section 133.103 of the Local Government Code).
- ✦ **Restitution Fee:** \$12 optional fee if defendant pays restitution in installments; 50% remitted to the State for the crime victims' compensation fund (Article 42.037 of the Code of Criminal Procedure).
- ✦ Contractual enforcement options:
 - **OmniBase Fee:** \$30 for failure to appear or failure to satisfy a judgment for any fine-only offense if city has contracted with the Department of Public Safety to deny renewal of driver's licenses; 66% is sent to the State on the quarterly report; 33% is retained by the city out of which OmniBase is paid (Sections 706.006 and 706.007 of the Transportation Code).
 - **Scofflaw Fee:** \$20 optional fee for failure to appear or satisfy a judgment on an outstanding warrant for violation of a traffic law if the city has contracted with the Department of Motor Vehicles to deny renewal of vehicle registration; entire fee goes to the county tax-assessor (Section 702.003 of the Transportation Code).
 - **Third Party Collection Fee:** 30% of the unpaid fines, fees, costs, restitution, or forfeited bonds if the city has a contract with a third party collections agency and the amount is more than 60 days past due or more than 60 days have elapsed since the defendant's failure to appear (Article 103.0031 of the Code of Criminal Procedure).

Appendix B

Sampling of Moving Violations under 37 TAC §15.89(b)

If on list, then it is a moving violation. Yes/No indicates whether points are taken off for Driver Responsibility Program.

<p>Changed lane when unsafe Yes</p> <p>Child passenger safety seat offense Yes</p> <p>Cut across driveway to make turn Yes</p> <p>Cut in after passing Yes</p> <p>Did not use designated lane or direction Yes</p> <p>Disregarded flashing red signal (at stop sign, etc.) Yes</p> <p>Disregarded lane control signal Yes</p> <p>Disregarded police officer Yes</p> <p>Disregarded traffic control device Yes</p> <p>Disregarded turn marks at intersection Yes</p> <p>Driving while license suspended under provisions of DL laws No</p> <p>Driving while license suspended--SR No</p> <p>Drove on wrong side of road Yes</p> <p>Drove without lights--when required Yes</p> <p>Drove wrong way on one-way roadway Yes</p> <p>Endorsement violation CDL No</p> <p>Fail stop proper place-flash red signal Yes</p> <p>Fail to control speed Yes</p> <p>Fail to give info/render aid No</p> <p>Fail to signal required distance before turning Yes</p> <p>Fail to signal with turn indicator Yes</p> <p>Fail to stop--designated point--at stop sign Yes</p> <p>Fail to stop at proper place (at traffic light) Yes</p> <p>Fail to stop for school bus (or remain stopped, specify) Yes</p> <p>Fail to use due care for pedestrian Yes</p> <p>Fail to yield at stop intersection Yes</p> <p>Fail to yield at yield intersection Yes</p> <p>Fail to yield right of way Yes</p> <p>Failed to signal lane change Yes</p> <p>Fleeing from police officer Yes</p> <p>Following ambulance Yes</p> <p>Following fire apparatus Yes</p>	<p>Following too closely Yes</p> <p>Illegal pass on right Yes</p> <p>Impeding traffic Yes</p> <p>Improper passing Yes</p> <p>Improper turn Yes</p> <p>Improper use of turn indicator Yes</p> <p>Increased speed while being overtaken Yes</p> <p>Lack of caution on green arrow signal Yes</p> <p>Leaving scene of accident Yes</p> <p>No driver license No</p> <p>No motorcycle endorsement No</p> <p>Obstructing traffic Yes</p> <p>Open Container DRIVER Yes</p> <p>Operate vehicle with child in open bed Yes</p> <p>Passed vehicle stopped for pedestrian Yes</p> <p>Prohibited motor vehicle on controlled-access highway Yes</p> <p>Ran red light Yes</p> <p>Ran stop sign Yes</p> <p>Riding boat/watercraft drawn by vehicle Yes</p> <p>Slower vehicle failed to keep to right Yes</p> <p>Speeding No</p> <p>Speeding > 10% above posted speed limit Yes</p> <p>Speeding--15 miles or over (CDL) Yes</p> <p>Speeding--school zone Yes</p> <p>Unsafe speed (too fast for conditions) Yes</p> <p>Use wireless device while driving--minor Yes</p> <p>Use of wireless device in school zone Yes</p> <p>Use wireless device in school zone Yes</p> <p>Violate DL restriction Yes</p> <p>Violate DL restriction on occupational license Yes</p> <p><u>Of Note Violations Not Listed in §15.89(b): Expired Registration, No Insurance, No Seat Belt, Talking On Phone (Adults).</u></p>
---	---

Source of sampling: <https://texreg.sos.state.tx.us/fids/201403910-1.html>

COMPARISONS OF DEFERRED OPTIONS

Updated to Reflect Changes from the 84th Legislature

Application/Use	Driving Safety Course (DSC) or Motorcycle Operator Course (MOC) Dismissal Procedures, Article 45.0511, C.C.P.	Suspension of Sentence and Deferral of Final Disposition, Article 45.051, C.C.P.
Application/Use	<p>If defendant is at least 25 years of age, applies to the following traffic offenses:</p> <ul style="list-style-type: none"> • Section 472.022, T.C.; (Obeying Warning Signs) • Subtitle C, Title 7, T.C.; (Rules of the Road) • Section 729.001(a)(3), T.C. (Operation of Motor Vehicle by Minor) <p>If defendant is under 25, applies to offenses classified as moving violations</p> <p>Does <u>not</u> apply to:</p> <ul style="list-style-type: none"> • Offenses committed in a construction work maintenance zone when workers are present, Sec. 542.404, T.C.; Art. 45.0511(p)(3), C.C.P.; • Traffic offenses committed by a person with a commercial driver's license, Art. 45.0511(s), C.C.P.; • Passing a school bus, Sec. 545.066, T.C.; • Leaving the scene of an accident, Sec. 550.022 or 550.023, T.C.; or • Speeding 25 mph or more over the limit or in excess of 95 m.p.h. Art. 45.0511(b)(5), C.C.P. <p>Court must advise person charged with offenses under Subtitle C, Rules of the Road, T.C., of right to take course.</p>	<p>Applies to all fine-only offenses except:</p> <ul style="list-style-type: none"> • Traffic offenses committed in a construction work maintenance zone when workers present (Sec. 542.404, T.C.; Art. 45.051(f)(1), C.C.P.); or • A violation of a state law or local ordinance relating to motor vehicle control, other than a parking violation, committed by a person who holds a commercial driver's license; or held a commercial driver's license when offense committed (Art. 45.051(f), C.C.P.).
How Often	<p>Defendant may request if the defendant has not had a driving safety course within the 12 months preceding the date of the current offense.</p> <p>Under Subsection (u), defendants may take DSC for a violation of Child Passenger Safety Seat laws even if they have taken DSC in the last 12 months, as long as the judge requires the defendant to take a specialized DSC (including 4 hours of instruction on child passenger safety seat systems) and any course the defendant has taken in the last 12 months did not include such instruction.</p> <p>If the defendant is a member, spouse, or dependent child of a member, of the US military forces serving on active duty, the defendant cannot have taken a DSC/MOC in another state within the 12 months preceding the date of the current offense.</p> <p>Under Subsection (d), the court has discretion to grant DSC/MOC even if one has been taken within the previous 12 month period, or if the request was not made timely.</p>	<p>Subject to judicial discretion.</p>
Plea Required	<p>A plea of guilty or nolo contendere is required when the request is made. Request must be made on or before answer date on citation. Judge has discretion to grant a late request under Subsection (d).</p>	<p>A plea of guilty or nolo contendere or a finding of guilt required.</p>
Proof of TX DL or on Active Military Duty	<p>Defendant must have a Texas driver's license or permit. If the defendant is on active military duty or is an active duty military spouse or dependant child, the defendant does not have to have a Texas driver's license or permit.</p>	NO
Proof of Financial Responsibility	<p>Defendants are required to present proof of financial responsibility as required by Chapter 601, Transportation Code.</p>	NO
State Court Cost Collected	<p>YES</p> <p>Due when request made.</p>	<p>YES</p> <p>Judge may allow defendant to pay out during deferral period by time payments, performing community service, or both.</p>
Time Limit	<p>Court defers imposition of the judgment for 90 days. The defendant must take the course and present evidence of completion by the 90th day. Defendant is also required to present to the court a certified copy of his or her driving record as maintained by DPS and an affidavit stating that he or she was not taking DSC or MOC at the time of the request nor has he or she taken a course that is not on his or her driving record. Under Subsection (u), the defendant's driving record and affidavit are required to show that defendant did not have specialized DSC in preceding 12 months.</p>	<p>Not to exceed 180 days.</p> <p>(1 to 180 days)</p>
Optional Administrative or Special Expense Fee	<p>If defendant makes request on or before answer date, the court may only assess an administrative \$10 non-refundable fee.</p> <p>If the judge grants a course before the final disposition of the case under Subsection (d), the court may assess a fee not to exceed the maximum possible penalty for the offense.</p>	<p>SPECIAL EXPENSE FEE (SEF), not to exceed amount of fine that could be imposed at the time the court grants the deferral. Court may elect not to collect for good cause shown. SEF may be collected at anytime before the date the probation ends. In the event of default, the judge shall require that the amount of the SEF be credited toward the amount of the fine imposed by the judge.</p>

	Driving Safety Course (DSC) or Motorcycle Operator Course (MOC) Dismissal Procedures Article 45.0511, C.C.P.	Suspension of Sentence and Deferral of Final Disposition Article 45.051, C.C.P.
Fee for Driving Record	Rather than allowing the defendant to obtain his or her driving record and provide it to the court, the court may obtain the certified driving record from DPS. A \$10 fee plus the \$2 state electronic Internet portal fee may be imposed if the court chooses this option (Art. 45.0511 (c-1), C.C.P.).	Court is not required to order the defendant to obtain a driving record (it may, however, be mandated as a reasonable condition). There is no authorization for the court to collect a fee for obtaining the defendant's driving record.
Other Requirements	Request may be oral or in writing. If mailed, request must be sent certified mail. (Art. 45.0511(b)(3), C.C.P.) When a defendant requests a course on or before the answer date on the citation, the defendant must present evidence of a valid Texas driver's license or permit, or show that he or she is on active military duty. On or before the 90 th day after the request the defendant must present: <ol style="list-style-type: none"> 1. Evidence of course completion; 2. A copy of his or her driving record as maintained by DPS, if any; 3. If the defendant is on active military duty and does not have a Texas driver's license, the affidavit must state that the defendant was not taking a DSC or MOC, as appropriate, in another state on the date of the request to take the course was made and had not completed such a course within the 12 months preceding the date of the offense. 4. An affidavit stating that he or she was not taking a course at the time of request for the current offense nor had he or she taken a course that was not yet on his or her driving record within the 12 months preceding the date of the current offense. 5. If the offense is charged under Section 545.412, T.C., (Child Passenger Safety Seat Systems), the defendant's driving record and affidavit are only required to show that they have not taken the specialized DSC in the last 12 months. <i>The judge may also require an additional DSC for drivers under age 25 per Sec. 1001.11, Education Code.</i> 	Requirements: Judge <u>may</u> require the defendant to do the following: <ol style="list-style-type: none"> 1. Post bond in the amount of the fine assessed to secure payment of the fine; 2. Pay restitution to the victim of the offense in an amount not to exceed the fine assessed; 3. Submit to professional counseling; 4. Submit to diagnostic testing for alcohol or controlled substance or drug; 5. Submit to psychosocial assessment; 6. Participate in an alcohol or drug abuse treatment or education program; 7. Pay the costs of any diagnostic testing, psychosocial assessment, or participation in a treatment or education program either directly or through the court as court costs; 8. Complete DSC or other course as directed by the judge; 9. Present to the court satisfactory evidence of compliance with the terms imposed by the judge; and 10. Comply with any other reasonable condition. <p>-----</p> If defendant under age 25 is charged with a moving traffic offense, Subsection (b)(8) does not apply. The judge <i>shall</i> require DSC. The judge <i>may</i> also require an additional DSC for drivers under age 25 per Sec. 1001.111, Education Code. If the defendant holds a provisional license, the judge shall require the defendant to be examined by DPS under Sec. 521.161(b)(2), T.C., and pay DPS a \$10 fee. For Alcoholic Beverage Code Offenses and the offense of Public Intoxication (Sec. 49.02(e), P.C., defendant under the age of 21), court must require an alcohol awareness program, a drug education program, or a drug and alcohol driving awareness program. Sec. 106.115(a), A.B.C. For Alcoholic Beverage Code offenses, except DUI, and the offense of Public Intoxication (Sec. 49.02(e), P.C., defendant under the age of 21), court must require community service. Sec. 106.071(d), A.B.C. 1st offense: eight to 12 hours. 2nd offense: 20 to 40 hours.
Satisfactory Completion	Judge shall remove the judgment and dismiss the case; the dismissal must be noted in the docket. Court reports the completion date of the course after the court dismisses the case.	Judge shall dismiss and note in docket that complaint is dismissed. (Only report to DPS the order of deferred for Alcoholic Beverage Code offenses.)
Failure to Complete	If defendant fails to furnish the evidence of course completion, a copy of his or her driving record as maintained by DPS that shows that he or she had not taken DSC or MOC within the 12 months preceding the date of offense, and the affidavit, the court shall set a show cause hearing and notify the person by mail. At the hearing the judge may, on a showing of good cause, allow the defendant time to present the uniform certificate of course completion. If the court does not grant more time, the court shall enter a final judgment ordering the defendant to pay the fine. If a defendant fails to appear at the show cause hearing, the court may, after signing a final judgment, issue a <i>capias pro fine</i> .	If defendant fails to comply with terms of the deferral, the court shall set a show cause hearing and notify the person by mail at the address on file. At the hearing the judge may, on a showing of good cause, allow an additional period during which the defendant may present evidence of compliance with requirements. If at the show cause hearing or by the conclusion of the additional period the defendant does not present satisfactory evidence of compliance, the judge may enter judgment and impose the fine. The judge may reduce fine previously assessed if the defendant is at least 25 years of age or older and not charged with a traffic offense. If the offense is a traffic offense, the court must report the traffic conviction to DPS. If a defendant fails to appear at the show cause hearing, the court may, after signing a final judgment, issue a <i>capias pro fine</i> .
Appeal	The entering of the final judgment triggers the requirements for making a timely appeal (Arts. 45.042-45.043, C.C.P.).	The entering of the final judgment triggers the requirements for making a timely appeal (Arts. 45.042-45.043, C.C.P.).