

OFFICE OF COURT ADMINISTRATION TEXAS JUDICIAL COUNCIL



OFFICIAL COUNTY COURT MONTHLY REPORT INSTRUCTIONS

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LEGAL REQUIREMENTS

Section 71.035(b) of the Texas Government Code requires each county clerk to report information pertaining to the civil and criminal business transacted by the district court(s) as required by the Texas Judicial Council.

The Official County Court Monthly Report has been developed to enable the county clerk (and district clerk in those counties where the district clerk is responsible for maintaining the files for certain types of cases heard by the county courts at law) of each county to comply with these requirements. This form is to be used to report the activity of the county-level courts during each one-month period. County-level courts include the constitutional county court and statutory county courts (county courts at law, statutory probate courts, county criminal courts, county criminal courts at law, county criminal courts of appeals, and county civil courts at law).

NOTE: Reports generated from a clerk's case management system should be an **exact replica** of the official monthly reporting form—that is, *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.*

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 judicial, legislative, and executive branches of government to make decisions regarding the jurisdiction, structure, and needs of the court system.

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.**

Section 71.035(a) of the Government Code requires copies of the monthly reports to be maintained in the office of the clerk for a period of **at least two years** and to be made available to the public for inspection and reproduction.

GENERAL INSTRUCTIONS

OCA prefers that one report—combining the activity of all county-level courts serving the county—be submitted per month.

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.

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.

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

COVER PAGE

Please complete the appropriate blanks identifying the **month** and **year** for the data being reported; the county; the county (or district) clerk's name and mailing address; and the name and telephone number of the person preparing the report. Also, indicate whether the report includes information for one court or for all courts in the county.

CRIMINAL SECTION

Definition of Criminal Cases

For the purpose of these reports, the number of criminal cases reported on this monthly reporting form is based on the number of defendants named in an information or complaint.

1. If a single information or complaint names more than one defendant, it is counted as more than one case. For instance, if three defendants are named in one information, count this as three cases.
2. If the same defendant is charged in more than one information, it is counted as more than one case. For instance, if the same person is named in four separate informations, count this as four cases.
3. Finally, if an information naming one defendant contains more than one count (Art. 21.24, C.C.P.), report this as one case under the category for the **most serious offense alleged**.

Criminal Case-Type Categories

The monthly report provides six categories for the reporting of criminal cases. A complete alphabetized listing of the Penal Code and reporting categories is included as an appendix to these instructions and should be used as a reference source in determining the specific category in which a particular case is to be reported.

All criminal cases are to be reported on Page 1 of the monthly report in one of the categories below. **If a case contains more than one count, report this as one case only under the category for the most serious offense alleged.**

1. **D.W.I.:** A misdemeanor offense under Sections 49.04 or 49.09, Penal Code.
2. **THEFT or WORTHLESS CHECKS:** An offense under Penal Code Section 31.03 (Theft) or Section 31.04 (Theft of Service), or any offense of theft or theft of service if the defendant obtained property or secured performance of service by issuing or passing a check or similar sight order for the payment of money, when the issuer did not have sufficient funds in or on deposit with the bank or other drawee for the payment in full of the check or order as well as all other checks or orders then outstanding (Section 31.06, Penal Code). Also included are appeals of cases brought under Section 32.41, Penal Code—Issuance of Bad Checks.
3. **DRUG OFFENSES:** An offense under the Texas Controlled Substances Act (Ch. 481, Health and Safety Code), the Texas Dangerous Drug Act (Ch. 483, Health and Safety Code), or Ch. 485, Abusable Volatile Chemicals, Health and Safety Code.
4. **ASSAULT:** An offense under Penal Code 22.01 (Assault) or 22.05 (Deadly Conduct).
5. **TRAFFIC:** Violations of the provisions of Title 7, Transportation Code and related statutes, **except** D.W.I., Section 49.04, Penal Code.
6. **OTHER CRIMINAL CASES:** An offense not clearly identifiable as belonging in one of the preceding categories.

This section of the monthly report is designed to collect information on criminal case activity in the county-level courts. The **CRIMINAL SECTION** is divided into two subsections:

1. **CASES ON DOCKET** (Page 1); and
2. **DISPOSITIONS** (Page 2).

CRIMINAL SECTION

CASES ON DOCKET	D.W.I.	THEFT OR WORTHLESS CHECKS	DRUG OFFENSES	ASSAULT	TRAFFIC	OTHER CRIMINAL CASES	TOTAL CASES
1. CASES PENDING FIRST OF MONTH <i>(Should equal total criminal cases pending end of previous month.)</i>							
2. NEW CASES FILED DURING MONTH <i>(Include all new cases, including those that may also have been disposed this month.)</i>							
3. CASES APPEALED FROM LOWER COURTS							
4. OTHER CASES REACHING DOCKET							
a. Motions to Revoke Probation or Revoke Deferred Adjudication Filed							
b. All Other Cases Reaching Docket <i>(Includes, among others, cases where new trial was granted and cases remanded by higher courts.)</i>							
5. TOTAL CASES ON DOCKET <i>(Should equal total of Line 1 through Line 4b above.)</i>							
6. TOTAL DISPOSITIONS <i>(Should equal Line 15 on page 2.)</i>							
7. CASES PENDING END OF MONTH <i>(Should equal Line 5 minus Line 6 above. This item includes unapprehended cases reported on Line 9.)</i>							
8. AGE OF CASES DISPOSED <i>(Date of filing through date of disposition.)</i>	30 DAYS OR LESS	31 DAYS TO 60 DAYS	61 DAYS TO 90 DAYS	OVER 90 DAYS	TOTAL CASES <i>(Should equal total on Line 6 above.)</i>		
NUMBER OF CASES							
9. UNAPPREHENDED CASES <i>(Include number of pending cases (Line 7) where defendant is unapprehended or otherwise unavailable to the court for trial.)</i>							TOTAL CASES
10. CASES WHERE ATTORNEY APPOINTED AS COUNSEL							

COUNTY-1-

CASES ON DOCKET

Online Reporting Only:

DOCKET ADJUSTMENT

If the number of cases pending at the first of the month does not equal the number of cases pending at the end of the previous month, you must enter a docket adjustment. A *docket adjustment* is the difference between the number of cases pending at the end of the previous month and the number of cases pending at the beginning of the current month.

If the number of cases pending at the end of the month is **smaller** than the number pending at the beginning of the current month, enter a **positive** number in the appropriate blank. For example, if 825 drug possession cases were pending at the end of April but 830 were pending as of May 1, "5" (825 + 5 = 830) should be entered in the docket adjustment line under Drug Possession in the report for May.

If the number of cases pending at the end of the month is **larger** than the number pending at the beginning of the current month, enter a **negative** number in the appropriate blank. For example, if 900 assault or attempted murder cases were pending at the end of April but 890 were pending as of May 1, "-10" (900 - 10 = 890) should be entered in the docket adjustment line under Assault or Attempted Murder in the report for May.

Line 1. CASES PENDING FIRST OF MONTH

Report criminal cases previously filed that have not been disposed by the first of the month of the reporting period. The numbers here should equal the numbers in each category reported as **Cases Pending End of Month**, Page 1, Line 7, on the previous month's report.

NOTE: This line will calculate automatically if you are submitting your report online.

Online Reporting Only:

NO ACTIVITY

If no cases were filed, no cases were appealed from lower courts, no cases reached the docket as described in Lines 4a and 4b, AND no cases were disposed during the month reported, check the "No Activity" box. (Lines 2 through 4b, as well as Lines 6 and 8, of the Cases on Docket section and Lines 1 through 15 of the Dispositions section will be automatically filled in with zeros when "Submit" is selected.)

NOTE: If you select "No Activity," you must still fill in Unapprehended Cases (Line 9) and Cases Where Attorney Appointed as Counsel (Line 10).

Line 2. NEW CASES FILED DURING MONTH

Report the number of new cases filed for each criminal category. Include all new cases filed this month, even if they were disposed of this month.

*NOTE: Only include complaints originally brought in the county-level court (Class A or B misdemeanors). Do not include any other types of cases defined in **All Other Cases Reaching Docket** below.*

Line 3. CASES APPEALED FROM LOWER COURTS

Report all Class C misdemeanors docketed in your court(s) during the month that have been appealed from justice and municipal courts.

Line 4. OTHER CASES REACHING DOCKET

a. Motions to Revoke Probation or Revoke Deferred Adjudication Filed

Report **only the filing of motions** to revoke probation or to revoke deferred adjudication. When the court enters an order either revoking or continuing probation or deferred adjudication, report this action as a disposition on Page 2, Line 12 or 13.

b. All Other Cases Reaching Docket

Report such actions as indictments reduced to misdemeanors, cases transferred **in** on change of venue, new trials granted, cases reinstated, and cases remanded for new trial from appellate courts. **Competency hearings filed within criminal cases are also included here as separate cases reaching the docket.** Report the disposition of a competency hearing on Page 2, Line 14.

*NOTE: For the purpose of this report, a competency hearing is treated as a separate case from the original criminal case and is **not** reported as a disposition of the original criminal case.*

Line 5. TOTAL CASES ON DOCKET

Report the sum of Lines 1 through 4, i.e., **Cases Pending First of Month, New Cases Filed During Month, Cases Appealed from Lower Courts, and Other Cases Reaching Docket.**

$$\text{Lines 1} + \text{2} + \text{3} + \text{4a} + \text{4b} = \text{Line 5}$$

NOTE: This line will calculate automatically if you are submitting your report online.

Line 6. TOTAL DISPOSITIONS

Numbers reported on this line should be the same as those entered on Page 2, Line 15, **Total Dispositions.**

NOTE: This line will calculate automatically if you are submitting your report online.

Line 7. TOTAL CASES PENDING END OF MONTH

To calculate the number of **Cases Pending End of Month**, subtract **Total Dispositions** (Line 6) from **Total Cases on Docket** (Line 5).

$$\text{Line 5 minus Line 6} = \text{Line 7}$$

Unapprehended Cases, reported in Line 9, are included in the calculation of cases pending at the end of month.

NOTE: This line will calculate automatically if you are submitting your report online.

Line 8. AGE OF CASES DISPOSED

Report the length of time the cases that were disposed of during the month had been on the docket. Calculate this time span from the date the case was filed in the court through the date on which it was disposed.

NOTES:

- Report a deferred adjudication as a disposition at the time the defendant is first placed on deferred adjudication. Deferred adjudications should be aged the same as all other dispositions.
- **The total number of cases reported in this category MUST match the total number of dispositions reported.**

Line 9. UNAPPREHENDED CASES

Report the total number of original cases, as well as motions to revoke probation or to revoke deferred adjudication, pending at the end of the month because further court proceedings and activities cannot be resumed.

Include:

- Cases in which the defendant is **not** in county jail, **not** on bail and whose whereabouts are unknown and unascertainable;

- Cases stayed while a defendant undergoes temporary or extended inpatient mental health treatment; and
- Cases in which the defendant is otherwise unavailable for adjudication.

Line 10. CASES WHERE ATTORNEY APPOINTED AS COUNSEL

In the **Total Cases** column, report the number of criminal cases in which an attorney was appointed by the court.

NOTES:

- In criminal cases, an application for indigency and order of appointment must be filed in order for an attorney to be appointed to the case.
- Report each case in which an attorney was appointed by the court **regardless** of whether a trial was held.
- Report the case only in the **month in which the appointment was made.**
- **Do not report more than one appointment of an attorney to the same case.**

DISPOSITIONS

CRIMINAL SECTION

DISPOSITIONS	D.W.I.	THEFT OR WORTHLESS CHECKS	DRUG OFFENSES	ASSAULT	TRAFFIC	OTHER CRIMINAL CASES	TOTAL CASES
CONVICTIONS							
1. Guilty Plea or Nolo Contendere — No Jury							
2. Not Guilty Plea — No Jury							
3. Guilty Plea — Jury Verdict							
4. Not Guilty Plea — Jury Verdict							
DEFERRED ADJUDICATIONS							
5. Placed on Deferred Adjudication (Original hearing only)							
ACQUITTALS (Found Not Guilty)							
6. Non-Jury Trial							
7. Jury Verdict							
8. Directed Verdict or JNOV							
DISMISSALS							
9. Insufficient Evidence							
10. Speedy Trial Act Limitation							
11. All Other Dismissals							
OTHER DISPOSITIONS							
12. Probation or Deferred Adjudication Revoked — Motion to Revoke Granted							
13. Continued on Probation or Deferred Adjudication — Motion to Revoke Denied							
14. All Other Dispositions							
TOTAL DISPOSITIONS							
15. (Should equal total on Line 1 through Line 14 — also enter on Line 6 on page 1.)							

COUNTY-2-

Under the appropriate case-type category, report the number of criminal cases disposed during the reporting period. **Report only one disposition per case.** Report cases as disposed in the same case-type category in which they were filed. Choose the most appropriate disposition classification (Lines 1-14).

CONVICTIONS

Report convictions on Lines 1 through 4 under the appropriate offense. Report a case disposed by conviction in the **month in which the sentence is assessed.**

Line 1. Guilty Plea or Nolo Contendere—No Jury

Report cases in which the defendant pled guilty or nolo contendere and was sentenced by the judge.

Line 2. Not Guilty Plea—No Jury

Report cases in which the defendant pled not guilty and was tried and sentenced by the judge.

Line 3. Guilty Plea—Jury Verdict

Report cases in which the defendant pled guilty or nolo contendere and was sentenced by a jury.

Line 4. Not Guilty Plea—Jury Verdict

Report cases in which the defendant pled not guilty and was tried by **either the judge or a jury** and was **sentenced by a jury.**

Line 5. DEFERRED ADJUDICATIONS

Report deferred adjudications on Line 5, **Placed on Deferred Adjudication.** Include all cases in which deferred adjudication is granted at the time the defendant is **first placed** on deferred adjudication. When the court enters an order either revoking or continuing probation or deferred adjudication, report this action as a disposition on Page 2, Line 12 or 13.

ACQUITTALS

Report all cases in which the defendant was found **not guilty** (acquittals) on Lines 6 through 8 according to whether there was a non-jury trial, jury verdict, directed verdict of not guilty, or a judgment notwithstanding the verdict (JNOV or “Non Obstante Veredicto”).

DISMISSALS

Report all other cases disposed by dismissal on Lines 9 through 11, depending on the reason for dismissal. **Do not report dismissals following completion of deferred adjudication and dismissals following completion of probation,** as they are both reported as dispositions at the time deferred adjudication or probation was granted.

Line 9. Insufficient Evidence

Line 10. Speedy Trial Act Limitations were not met.

Line 11. All Other Dismissals

Include dismissals for grounds other than those listed above, dismissals for unknown or unspecified grounds, and cases dismissed for a **combination of reasons**.

OTHER DISPOSITIONS

Line 12. Probation or Deferred Adjudication Revoked—Motion to Revoke Granted

Report all cases in which a motion to revoke probation or to revoke deferred adjudication is granted and the probation or deferred adjudication is **revoked**.

Line 13. Continued on Probation or Deferred Adjudication—Motion to Revoke Denied

Report all cases in which a motion to revoke probation or to revoke deferred adjudication is denied and the defendant **continues** on probation or deferred adjudication.

Line 14. All Other Dispositions

Report any dispositions not clearly identifiable as any of the above categories. Include transfers to other counties and disposition of competency hearings on this line.

Line 15. TOTAL DISPOSITIONS

Enter the sum of Lines 1 through 14 on this line under each category. These totals should be the same as those reported on Page 1, Line 6 under **Total Dispositions**.

***NOTE:** This line will calculate automatically if you are submitting your report online.*

CIVIL SECTION

Definition of Civil Cases

A civil case, unlike a criminal case, does not depend on the number of persons involved. For the purpose of this report, a single civil case is counted and reported when:

1. An original petition is filed (no matter how many parties are involved), or
2. A show cause motion, motion to modify, or similar motion is filed following entry of original judgment in family law cases, or
3. Some other case is filed.

Civil Case-Type Categories

1. **INJURY OR DAMAGE INVOLVING MOTOR VEHICLE:** All cases for damages associated in any way with a motor vehicle (automobile, truck, motorcycle, etc.), with or without accompanying personal injury. Examples include personal injury, property damage, and wrongful death cases. Any type of driver's license suspension case, however, **is not** included in this category.
2. **INJURY OR DAMAGE OTHER THAN MOTOR VEHICLE:** Cases for personal injury or damages arising out of an event not involving a motor vehicle. Examples include "slip-and-fall" cases.
3. **TAX CASES:** Suits brought by governmental taxing entities for the collection of taxes.
4. **SUITS ON DEBT:** Suits based on enforcing the terms of a certain and express agreement, usually for the purpose of recovering a specific sum of money.
5. **DIVORCE CASES:** (Applicable only to those county courts at law which have been given jurisdiction in family law cases by the law which created the court.) A suit brought by a party to a marriage to dissolve that marriage pursuant to Family Code, Chapter 6. (Annulments are **not** reported here, but under All Other Family Law Matters.)
6. **ALL OTHER FAMILY LAW MATTERS:** This category includes all family law matters, other than divorce proceedings and those juvenile matters which are reported in the Juvenile Section, including:
 - Motions to modify previously granted divorce decrees, or other judgments or decrees, in such matters as amount of child support, child custody orders, and other similar motions which are filed under the original cause number;
 - Reciprocal (UIFSA): actions involving child support in which the case has been received from another court outside the state;
 - Annulments;
 - Adoptions;
 - Changes of name;
 - Termination of parental rights (child protective service cases);
 - Dependent and neglected child cases;
 - Removal of disability of minority;
 - Removal of disability of minority for marriage;
 - Voluntary legitimation (Section 160.201, Texas Family Code); and
 - All other matters filed under the Family Code that are not reported elsewhere.
7. **OTHER CIVIL CASES:** All civil cases not clearly identifiable as belonging in one of the preceding categories.

This section of the monthly report is designed to collect information concerning the civil case activity of the county-level courts. The **CIVIL SECTION** is divided into two subsections:

1. **CASES ON DOCKET** (Page 3); and
2. **DISPOSITIONS** (Top of Page 4).

CASES ON DOCKET

CIVIL SECTION

CASES ON DOCKET	INJURY OR DAMAGE INVOLVING MOTOR VEHICLE	INJURY OR DAMAGE OTHER THAN MOTOR VEHICLE	TAX CASES	SUITS ON DEBT	DIVORCE CASES (County Courts at Law)	ALL OTHER FAMILY LAW MATTERS (County Courts at Law)	OTHER CIVIL CASES	TOTAL CASES
1. CASES PENDING FIRST OF MONTH <i>(Should equal total civil cases pending end of previous month.)</i>								
2. NEW CASES FILED DURING MONTH <i>(Include all new cases filed this month, including those that may also have been disposed this month.)</i>								
3. CASES APPEALED FROM LOWER COURTS								
4. OTHER CASES REACHING DOCKET								
a. <i>Show Cause and Similar Motions in Family Law Cases Filed Following Entry of Original Judgment (Such as motions to modify child support, contempt, custody change, visitation privileges, etc., filed under original case number.)</i>								
b. <i>All Other Cases Reaching Docket</i>								
5. TOTAL CASES ON DOCKET <i>(Should equal Line 1 through Line 4b above.)</i>								
6. TOTAL DISPOSITIONS <i>(Should equal Line 8 on page 4.)</i>								
7. CASES PENDING END OF MONTH <i>(Should equal Line 5 minus Line 6 above.)</i>								
8. AGE OF CASES DISPOSED <i>(Date of filing through date of disposition.)</i>	3 MONTHS OR LESS	OVER 3 TO 6 MONTHS	OVER 6 TO 12 MONTHS	OVER 12 TO 18 MONTHS	OVER 18 MONTHS	TOTAL CASES <i>(Should equal total on Line 6 above.)</i>		
NUMBER OF CASES								

COUNTY-3-

Online Reporting Only:

DOCKET ADJUSTMENT

If the number of cases pending at the first of the month does not equal the number of cases pending at the end of the previous month, you must enter a docket adjustment. A *docket adjustment* is the difference between the number of cases pending at the end of the previous month and the number of cases pending at the beginning of the current month. (See page 3 of these instructions for further explanation.)

Line 1. CASES PENDING FIRST OF MONTH

Report civil cases previously filed that have **not** been disposed by the first of the month of the reporting period. These numbers should equal the numbers in each category reported as **Cases Pending End of Month**, Page 3, Line 7, of the previous month's report.

NOTE: This line will calculate automatically if you are submitting your report online.

Online Reporting Only:

NO ACTIVITY

If no cases were filed, no cases were appealed from lower courts, no cases reached the docket as described in Lines 4a and 4b, AND no cases were disposed during the month being reported, check the “No Activity” box. (Lines 2 through 4b, as well as Lines 6 and 8, of the Cases on Docket section and Lines 1 through 8 of the Dispositions section will be automatically filled in with zeros when “Submit” is selected.)

Line 2. NEW CASES FILED DURING MONTH

Report the total number of original petitions filed during the month covered by this report. Do **not** report the filing of amended or supplemental petitions.

Line 3. CASES APPEALED FROM LOWER COURTS

Report all civil cases that have been appealed from justice courts.

Line 4. OTHER CASES REACHING DOCKET

a. Show Cause and Similar Motions in Family Law Cases Filed Following Entry of Original Judgment

Report family law matters filed **following entry of original judgment** under the Texas Family Code and filed under the **same case number**. For example:

- (1) motions to modify or set child support (separate from original judgment);
- (2) motions to modify conservatorship (custody);
- (3) motions to modify visitation privileges;
- (4) motions for contempt;
- (5) motions for enforcement of judgments or prior orders;
- (6) motions to terminate parent-child relationship filed under *old* case number (*Note: If filed under new case number, report these cases on Page 3, Line 2.*);
- (7) motions for adoption, filed under *old* case number (*Note: If filed under new case number, report these cases on Page 3, Line 2.*);
- (8) motions to revoke or suspend such matters as contempt orders; and
- (9) motions for further orders of the court.

The following are types of pre-trial motions that are **NOT** to be included here:

- (1) motions to dismiss;
- (2) motions for continuance;
- (3) motions for change of venue;
- (4) motions for production of documents;
- (5) motions for appointment of master, receiver, etc.;
- (6) motions for substitution or withdrawal of counsel;
- (7) motions to recuse judge;
- (8) motions for substituted service;
- (9) motions to take judicial notice of law of other state;
- (10) motions for severance;
- (11) motions to consolidate; and
- (12) motions for separate trials.

b. All Other Cases Reaching Docket

Include the following cases when:

- (1) a motion for new trial is granted;
- (2) a case is transferred from another county on change of venue;
- (3) a cause is remanded from a higher court;
- (4) a severance is ordered which splits one case into two or more cases;
- (5) a writ of garnishment is docketed;
- (6) a bill of review is docketed (with a new case number);
- (7) a case is reinstated on the docket; and
- (8) other similar matters which are not reported elsewhere.

Line 5. TOTAL CASES ON DOCKET

Report the sum of Lines 1 through 4, i.e., **Cases Pending First of Month, New Cases Filed During Month, Cases Appealed From Lower Courts, and Other Cases Reaching Docket.**

$$\text{Lines 1} + \text{2} + \text{3} + \text{4a} + \text{4b} = \text{Line 5}$$

NOTES:

- *Many of the cases that were filed during this reporting period may have also been disposed of in the same month. However, these cases must still included be counted here as a case on the docket.*
- *This line will calculate automatically if you are submitting your report online.*

Line 6. TOTAL DISPOSITIONS

Enter totals from Page 4, Line 8 under each case-type category.

NOTE: This line will calculate automatically if you are submitting your report online.

Line 7. CASES PENDING END OF MONTH

To calculate the number of **Cases Pending End of Month**, subtract the number of **Total Dispositions** (Line 6) from **Total Cases on Docket** (Line 5).

$$\text{Line 5 minus Line 6} = \text{Line 7}$$

NOTE: This line will calculate automatically if you are submitting your report online.

Line 8. AGE OF CASES DISPOSED

Report the length of time the cases that were disposed of during the month had been on the docket. Calculate this time span from the date the case was filed in the court through the date on which it was disposed.

*NOTE: The total number of cases reported in this category **MUST** match the total number of dispositions reported.*

DISPOSITIONS

CIVIL SECTION

DISPOSITIONS	INJURY OR DAMAGE INVOLVING MOTOR VEHICLE	INJURY OR DAMAGE OTHER THAN MOTOR VEHICLE	TAX CASES	SUITS ON DEBT	DIVORCE CASES (County Courts at Law)	ALL OTHER FAMILY LAW MATTERS (County Courts at Law)	OTHER CIVIL CASES	TOTAL CASES
1. DEFAULT JUDGMENTS								
2. AGREED JUDGMENTS								
3. FINAL JUDGMENTS AFTER NON-JURY TRIAL								
4. FINAL JUDGMENTS ON JURY VERDICT								
5. CASES DISMISSED FOR WANT OF PROSECUTION OR BY PLAINTIFF								
6. SHOW CAUSE AND SIMILAR MOTIONS DISPOSED IN FAMILY LAW CASES FILED FOLLOWING ENTRY OF ORIGINAL JUDGMENT								
7. ALL OTHER DISPOSITIONS								
8. TOTAL DISPOSITIONS <i>(Should equal total of Line 1 through Line 7 above—also enter on Line 6 on page 3.)</i>								

In this section, report the number of civil cases disposed during the month under the appropriate case-type category. A civil case is disposed when a **final judgment** has been rendered (even if the case is eventually appealed), or when a **final order** is entered on a motion to modify or similar motion in a family law case.

Report only one disposition per case. Report dispositions under the same case-type category in which the cases were filed. Choose the most appropriate disposition classification (Lines 1-7).

Line 1. DEFAULT JUDGMENTS

Report the number of cases in which the judgment was reached by default—the defendant, though served, failed to appear and answer, and judgment by default was granted in favor of the plaintiff.

*NOTE: If the defendant was served and did answer but failed to appear, report the case as disposed by a **Final Judgment after Non-Jury Trial** (Line 3).*

Line 2. AGREED JUDGMENTS

Report cases in which the court entered a judgment based upon the mutual agreement of the parties involved in the suit.

Line 3. FINAL JUDGMENTS AFTER NON-JURY TRIAL

Report cases in which the decision in the case was reached after a trial or hearing by the judge alone, without a jury.

Line 4. FINAL JUDGMENTS ON JURY VERDICT

Report the number of judgments entered which were based on the verdict of a jury after trial.

Line 5. CASES DISMISSED FOR WANT OF PROSECUTION OR BY PLAINTIFF

Report cases dismissed because the plaintiff or petitioner did not appear or otherwise made no effort to pursue his case. Also include cases dismissed at the request of the plaintiff/petitioner or by agreement of both parties.

Line 6. SHOW CAUSE AND SIMILAR MOTIONS DISPOSED IN FAMILY LAW CASES FILED FOLLOWING ENTRY OF ORIGINAL JUDGMENT

Report all motions filed after judgment in family law cases that were **disposed** during the month. These are the same matters as the show cause and similar motions filed in family law cases that are reported at the time they were filed on Page 3, Line 4a.

Line 7. ALL OTHER DISPOSITIONS

Report those events which remove a case from the docket but are not clearly identifiable as any of the preceding types of disposition. This includes transfers to another county.

Line 8. TOTAL DISPOSITIONS

Report the sums of Lines 1 through 7 under each category.

Lines 1 + 2 + 3 + 4 + 5 + 6 + 7 = Line 8

NOTE: This line will calculate automatically if you are submitting your report online.

PROBATE AND MENTAL HEALTH SECTION

PROBATE AND MENTAL HEALTH SECTION

PROBATE CASES	TOTAL OF PROBATE CASES FILED	TOTAL OF PROBATE HEARINGS HELD
MENTAL HEALTH CASES	TOTAL OF MENTAL HEALTH CASES FILED	TOTAL OF MENTAL HEALTH HEARINGS HELD

COUNTY-4-

Online Reporting Only:

NO ACTIVITY

If no probate or mental health activity occurred during the month reported, check the "No Activity" box. (The form will be automatically filled in with zeros when "Submit" is selected.)

PROBATE CASES

Definition of Probate Cases

For the purpose of this report, probate cases are defined as proceedings governed by the Texas Probate Code and include matters involving the probate of wills, the administration of estates, and guardianships. A single probate case may involve more than one person.

1. TOTAL PROBATE CASES FILED

Report only the filings of the original petitions or applications during the reporting month for probate cases.

2. TOTAL PROBATE HEARINGS HELD

Report **each** hearing held during the reporting month, even if a single probate case involved several hearings.

MENTAL HEALTH CASES

Definition of Mental Health Cases

Mental health cases are governed by the Mental Health Code (Health and Safety Code, Title 7, Subtitle C) and other mental health statutes and include the commitment of mentally ill or alcoholic persons.

1. TOTAL MENTAL HEALTH CASES FILED

Report applications or petitions for all types of court-ordered mental health services. Report **only** the filing of the original application or petition. **Do not include the filing of motions or requests for competency hearings filed in pending criminal cases.**

2. TOTAL MENTAL HEALTH HEARINGS HELD

Report each hearing held in a mental health case during the reporting month, even if a single case involved several hearings. Also, report any mental health jury trials here. **Do not include any competency hearings held in pending criminal cases.**

JUVENILE SECTION

Definition of Juvenile Cases

For the purposes of these reports, juvenile cases are based upon petitions for adjudication of a child alleged to have engaged in delinquent conduct or conduct indicating a need for supervision (C.I.N.S.) as governed by Title 3 of the Texas Family Code.

As used in these reports:

Texas Family Code, Section 51.02 generally defines a child as a person who:

1. is 10 years of age or older and under 17 years of age
- or -
2. is 17 years of age or older and under 18 years of age who is alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision as a result of acts committed before reaching age 17.

Texas Family Code, Section 51.03 generally provides that:

1. Delinquent conduct is conduct, that violates:
 - a. a state or federal penal law (other than a traffic offense) punishable by imprisonment or confinement in jail;
 - b. a lawful order of a court under circumstances that would constitute contempt of that court in:
 - a justice or municipal court; or
 - a county court for conduct punishable only by a fine;
 - c. Sections 49.04, 49.05, 49.06, 49.07, or 49.08 of the Penal Code; or
 - d. Section 106.041 of the Alcoholic Beverage Code, relating to driving under the influence of alcohol by a minor (third or subsequent offense).
2. Conduct indicating a need for supervision (C.I.N.S.) is conduct, other than a traffic offense, that constitutes:
 - a. the violation of a state penal law punishable by fine only;
 - b. the violation of a penal ordinance of any political subdivision of the state;
 - c. truancy;
 - d. running away from home;
 - e. inhaling paint, glue, or certain other chemicals;
 - f. the violation of a school district's previously communicated written standards of student conduct for which the child has been expelled; or
 - g. the violation of a court order issued under Section 264.305 of the Family Code.

Categorizing Juvenile Cases

Juvenile cases must be categorized as either:

1. "C.I.N.S." cases (conduct indicating a need for supervision)
- or -
2. "Delinquent Conduct" cases.

NOTE: Depending on the county, jurisdiction in juvenile matters may be exercised by the county-level courts only, by the district courts only, or by both. Juvenile court cases are to be reported on the appropriate monthly reporting form: cases heard by the county-level courts are reported on the Official County Court Monthly Report, while cases heard by the district courts are reported on the Official District Court Monthly Report.

This section of the monthly report is designed to capture court activity involving **Title 3 of the Family Code**. Do not report other Family Code matters typically handled by the court in this section. For instance:

- Suits affecting the parent-child relationship filed by the Texas Department of Protective and Regulatory Services alleging child abuse or neglect and seeking temporary managing conservatorship and/or termination of parental rights are not reported here. These cases are reported, at the time they are filed, in the Civil Section as **New Cases Filed During Month** (Page 3, Line 2) under the category of **All Other Family Law Matters**.
- Motions to modify or similar *show cause* type motions filed after the entry of original judgment in a Protective and Regulatory Services case are reported in the Civil Section as an **Other Case Reaching the Docket** (Page 3, Line 4a).
- Similarly, matters involving Titles 1, 2, or 4 of the Family Code are reported in the **Civil Section**, Pages 3 and 4.

The **JUVENILE SECTION** is divided into three subsections (all on Page 5):

1. **CASES ON DOCKET;**
2. **INFORMATION ON FINDINGS OF DELINQUENT CONDUCT OR C.I.N.S.;** and
3. **ADDITIONAL JUVENILE COURT ACTIVITY.**

The clerk must look at the petition to determine whether the case is to be reported in the **C.I.N.S.** category or the **Delinquent Conduct** category. Whenever a juvenile case is disposed, the disposition must always be reported in the same category as the filing of the original petition, i.e., **C.I.N.S.** or **Delinquent Conduct**.

CASES ON DOCKET

JUVENILE SECTION (Title 3, Texas Family Code)

If one or more courts designated as a juvenile court and there was no court activity for the month, please check this box:

CASES ON DOCKET		C.I.N.S. (Conduct Indicating a Need for Supervision)	DELINQUENT CONDUCT
1. CASES PENDING FIRST OF MONTH <i>(Should equal total juvenile cases pending end of previous month.)</i>			
2. NEW PETITIONS FILED DURING MONTH <i>(Includes all new cases, including those that also may have been disposed this month. Do not include petitions to transfer to criminal court.)</i>			
3. MOTIONS TO REVOKE PROBATION FILED DURING MONTH			
4. OTHER CASES REACHING DOCKET			
5. TOTAL CASES ON DOCKET <i>(Should equal Line 1 through Line 4 above.)</i>			
6. CASES DISPOSED DURING MONTH: <i>(Do not report cases under Line 6a through 6i below until after the disposition hearing.)</i>			
a. Finding of Delinquent Conduct or C.I.N.S.—Trial by Judge			
b. Finding of Delinquent Conduct or C.I.N.S.—Trial by Jury			
c. Finding of No Delinquent Conduct or No C.I.N.S.—Trial by Judge			
d. Finding of No Delinquent Conduct or No C.I.N.S.—Trial by Jury			
e. Finding of No Delinquent Conduct or No C.I.N.S.—Directed Verdict			
f. Probation Revoked—Motion to Revoke Probation Granted			
g. Continued on Probation—Motion to Revoke Probation Denied			
h. Change of Venue Transfers			
i. All Other Dispositions, Including Cases Dismissed Without Any Adjudication			
7. TOTAL CASES DISPOSED <i>(Should equal total of Lines 6a through 6i above.)</i>			
8. CASES PENDING END OF MONTH <i>(Should equal Line 5 minus Line 7 above.)</i>			

INFORMATION ON FINDINGS OF DELINQUENT CONDUCT OR C.I.N.S.		
<i>(Indicate number of cases, not number of children.)</i>	C.I.N.S. (Conduct Indicating a Need for Supervision)	DELINQUENT CONDUCT
9. PLACEMENT OF CHILD IN CASES WHERE PROBATION WAS GRANTED OR CONTINUED:		
a. Placed Under Care of Parent or Relative		
b. Placed Under Foster Care		
c. Placed in Residential Facility Other Than Texas Youth Commission		
10. NUMBER OF CASES WHERE CHILD WAS COMMITTED TO TEXAS YOUTH COMMISSION <i>(Include revocations of probation.)</i>		
11. FINAL JUDGMENT WITHOUT ANY DISPOSITION		
12. TOTAL <i>(Should equal total of a, b, f, and g under item 9 on left-hand side of this page.)</i>		

ADDITIONAL JUVENILE COURT ACTIVITY		
	C.I.N.S. (Conduct Indicating a Need for Supervision)	DELINQUENT CONDUCT
13. DETENTION HEARINGS CONDUCTED		
14. HEARINGS TO MODIFY COURT ORDER OTHER THAN PROBATION REVOCATION		
15. NUMBER OF CHILDREN CERTIFIED FOR TRANSFER TO ADULT CRIMINAL COURT		
16. CASES IN WHICH ATTORNEY APPOINTED AS COUNSEL		

OTHER JUVENILE COURT ACTIVITY NOT REPORTED HERE
NOTE: The Juvenile Section is designed to report only court activity under Title 3 of the Texas Family Code. Other Family Code matters typically handled by the juvenile court will not be reported in this section.
 If your juvenile court handles matters under Titles 1, 2 or 4 of the Family Code (such as suits affecting the parent-child relationship, protective orders, etc.), these should be reported in the Civil Section on Pages 3 and 4 of the County Report. Refer to the instruction booklet for additional information.

COUNTY-5-

Online Reporting Only:

DOCKET ADJUSTMENT

If the number of cases pending at the first of the month does not equal the number of cases pending at the end of the previous month, you must enter a docket adjustment. A *docket adjustment* is the difference between the number of cases pending at the end of the previous month and the number of cases pending at the beginning of the current month. (See page 3 of these instructions for further explanation.)

Line 1. CASES PENDING FIRST OF MONTH

Report all juvenile cases previously filed but not disposed of at the beginning of this reporting period. These numbers should equal the figures from the prior month's report on Line 8, **Cases Pending End of Month**.

NOTE: This line will calculate automatically if you are submitting your report online.

Online Reporting Only:

NO ACTIVITY

If one or more county-level courts are designated as a juvenile court and **no new cases or motions to revoke probation were filed, no cases reached the docket as described in Line 4, AND no cases were disposed** during the month reported, check the **"No Activity"** box. (Lines 2 through 12 will be automatically filled in with zeros when "Submit" is selected.)

Go to Additional Juvenile Court Activity, Line 13.

Paper Form Only:

NO ACTIVITY

If one or more county-level courts are designated as a juvenile court and **no new cases or motions to revoke probation were filed, no cases reached the docket as described in Line 4, AND no cases were disposed** during the month reported, check the "No Activity" box.

Go to Additional Juvenile Court Activity, Line 13.

Line 2. NEW PETITIONS FILED DURING MONTH

Report all new petitions for adjudication of delinquent conduct or conduct indicating a need for supervision filed during the month. Include all new cases filed this month, even if some cases were also disposed of during this month.

Do not include detention hearings or hearings for transfer to adult courts. These are reported under Additional Juvenile Court Activity (Lines 13 and 15, respectively).

Line 3. MOTIONS TO REVOKE PROBATION FILED DURING MONTH

Report only the filing of motions to revoke probation. When the court enters an order **revoking** probation, report this activity as a disposition on Line 6f.

Line 4. OTHER CASES REACHING DOCKET

Report cases transferred in on change of venue, cases remanded from appellate courts, reinstated cases, other crimes committed and handled under the original cause number, and similar matters.

Line 5. TOTAL CASES ON DOCKET

Report the sum of Lines 1 through 4, i.e., **Cases Pending First of Month, Petitions Filed During Month, Motions to Revoke Probation Filed During Month, and Other Cases Reaching Docket.**

Lines 1 + 2 + 3 + 4 = 5

NOTE: This line will calculate automatically if you are submitting your report online.

Line 6. CASES DISPOSED DURING MONTH

Report in Lines 6a through 6e the number of cases in which a final judgment has been entered following an **adjudication hearing** (defined in Family Code, Section 54.03).

Report cases separately for trials by judge, trials by jury, and directed verdicts in one of the following subsections of Line 6:

- a. **Findings of Delinquent Conduct or C.I.N.S.—Trial by Judge**
- b. **Findings of Delinquent Conduct or C.I.N.S.—Trial by Jury**
- c. **Findings of No Delinquent Conduct or No C.I.N.S.—Trial by Judge**
- d. **Findings of No Delinquent Conduct or No C.I.N.S.—Trial by Jury**
- e. **Findings of No Delinquent Conduct or No C.I.N.S.—Directed Verdict**

Report the disposition of motions to revoke probation on Lines 6f or 6g.

- f. **Probation Revoked—Motion to Revoke Probation Granted**
- g. **Continued on Probation—Motion to Revoke Probation Denied**

Other types of dispositions are reported on Lines 6h and 6i.

- h. **Change of Venue Transfers**

Report **only** transfers to the juvenile court of another county. If a child is certified for transfer to a regular criminal court for trial as an adult, report this on Line 15.

- i. **All Other Dispositions, Including Causes Dismissed Without Any Adjudication**

Report all dismissals and any other dispositions not reported above.

Line 7. TOTAL CASES DISPOSED

Report the total number of dispositions during this reporting period by adding Lines 6a through 6i.

NOTE: This line will calculate automatically if you are submitting your report online.

Line 8. CASES PENDING END OF MONTH

Report the total number of cases pending at the end of this reporting period by subtracting Line 7 from Line 5.

Line 5 minus Line 7 = Line 8

NOTE: This line will calculate automatically if you are submitting your report online.

INFORMATION ON FINDINGS OF DELINQUENT CONDUCT OR C.I.N.S.

Provide information on the placement of children following a **disposition hearing** (defined in Family Code, Section 54.04) for cases in which a finding of delinquent conduct or C.I.N.S. was made, probation was revoked, or probation was continued.

Cases reported in this section are the same as those cases that are reported as disposed on Lines 6a, 6b, 6f and 6g. As indicated on Line 12, the total of this section must equal the total of Lines 6a + 6b + 6f + 6g in the **Cases On Docket** section.

Line 9. PLACEMENT OF CHILD IN CASES WHERE PROBATION WAS GRANTED OR CONTINUED

a. Placed Under Care of Parent or Relative

Report the number of cases, **not the number of children**, in which probation was granted or continued and the child was placed under the care of parents, relatives or other individuals.

b. Placed Under Foster Care

Report the number of cases, **not the number of children**, in which probation was granted or continued and the child was placed in a foster home.

c. Placed in a Residential Facility Other Than Texas Youth Commission

Report the number of cases, **not the number of children**, in which probation was granted or continued and the child was placed in a residential facility such as a halfway house or in an institution such as Boystown or Girlstown.

Line 10. NUMBER OF CASES WHERE CHILD WAS COMMITTED TO TEXAS YOUTH COMMISSION

Report the number of cases in which juveniles were committed to TYC as a result of a finding of delinquency. Also include commitments to TYC that resulted from motions to revoke probation.

Line 11. FINAL JUDGMENT WITHOUT ANY DISPOSITION

Report only those cases in which the court's final judgment states that the judgment is *without any disposition* (as provided by Family Code, Section 54.04(c)). If the judgment does not say that it is *without any disposition*, check the judgment more closely to determine the placement of the child.

Line 12. TOTAL

Report in each column (**C.I.N.S.** and **Delinquent Conduct**) the total of Lines 9, 10, and 11. *These totals must equal the totals for each column of Lines 6a + 6b + 6f + 6g.*

$$\text{Lines 9 + 10 + 11} = \text{Line 12}$$

and

$$\text{Lines 6a + 6b + 6f + 6g} = \text{Line 12}$$

NOTE: This line will calculate automatically if you are submitting your report online.

ADDITIONAL JUVENILE COURT ACTIVITY

Line 13. DETENTION HEARINGS CONDUCTED

Report the number of detention hearings held pursuant to Section 54.01 or 54.011 of the Texas Family Code.

Line 14. HEARINGS TO MODIFY COURT ORDER OTHER THAN PROBATION REVOCATION

Report the number of hearings conducted for any modification (other than revocation of probation), such as a change from foster care to a residential facility or some other change in the terms of probation.

Line 15. NUMBER OF CHILDREN CERTIFIED FOR TRANSFER TO ADULT CRIMINAL COURT

In the **Delinquent Conduct** column, report the **number of children** certified for transfer to a regular criminal court for trial as an adult pursuant to Section 54.02 of the Texas Family Code.

Line 16. CASES IN WHICH ATTORNEY APPOINTED AS COUNSEL

Report the **number of cases** in which an attorney was appointed by the court.

NOTES:

- In juvenile cases, an application for indigency and an order of appointment must be filed in order for an attorney to be appointed to the case.

- Report each case in which an attorney was appointed by the court **regardless** of whether an adjudication hearing was held.
- Report the case only in the **month in which the appointment was made**.
- **Do not report more than one appointment of an attorney to the same case.**

COURT-ORDERED MENTAL HEALTH SERVICES SECTION

LEGAL REQUIREMENTS

Section 574.014 of the Health and Safety Code requires the clerk of each court with jurisdiction to order commitment for involuntary mental health services to provide the Office of Court Administration each month with a report of the number of applications for commitment orders for involuntary mental health services filed with the court and the disposition of those cases, including the number of commitment orders for inpatient and outpatient mental health services.

The Court-Ordered Mental Health Services form, which is an addendum to the Official County Court Monthly Report, was developed to assist clerks in complying with this requirement. This form is to be used to report the activity of the court(s) during each one-month period.

Please submit this report, along with the Official County Court Monthly Report, to the Office of Court Administration **no later than 20 days following the end of the month reported.**

GENERAL INSTRUCTIONS

Please complete all information that is relevant to your court. Include only information regarding applications for commitment and applications for modification. Do not include information regarding other types of mental health services.

If no activity occurred during the month being reported, check the box at the top of the form.

If activity **did** occur:

- **Report *ONLY* activity that occurred during the reporting month.**
- Enter the actual number of cases, not names or dates, in the boxes. A blank box or a dash will be interpreted as a zero.

DEFINITIONS

Use the following definitions to categorize the types of applications for commitment orders filed:

Temporary mental health services: Application for commitment under Health & Safety Code §574.034(a) or §574.034(b) for not longer than 90 days. Does not include requests for modification of existing commitment orders.

Extended mental health services: Application for commitment under Health & Safety Code §574.035(a) or §574.035(b) for greater than 90 days, but not longer than 12 months. Does not include requests for modification of existing commitment orders.

Modification: outpatient to inpatient: Under Health & Safety Code §574.065(d)(2), application for the modification of an existing order for commitment for outpatient services to provide for commitment for inpatient services.

Modification: inpatient to outpatient: Under Health & Safety Code §574.061, application for the modification of an existing order for commitment for inpatient services to provide for commitment for outpatient services.

Use the following definitions to provide information on the status of the applications filed:

New applications filed: All applications for commitment orders and all applications for modification orders received during the reporting period month.

Release prior to final hearing: All applications for commitment orders and all applications for modification orders that are dismissed before the final hearing is held. This includes, but may not be limited to, release from emergency detention, release from order of protective custody, and modification to voluntary commitment. No commitment order or modification order is issued.

Disposition at final hearing:

Release: Applications for commitment orders and applications for modification orders that are released at the final hearing with no commitment order or modification order being issued.

Order: Applications for commitment orders and applications for modification orders for which court orders are issued at the final hearing. For commitment orders for temporary mental health services and commitment orders for extended mental health services, distinguish between orders for inpatient and outpatient services.

REQUEST FOR FINDING OF HATE CRIME

LEGAL REQUIREMENTS

Article 2.211 of the Code of Criminal Procedure provides that a report must be filed by the county clerk for each case in which request is made for an affirmative finding under Article 42.014, Finding that Offense was Committed Because of Bias or Prejudice, Code of Criminal Procedure, along with a statement as to whether the request was granted by the court and, if so, whether the affirmative finding was entered in the judgment of the case. The report must be submitted to the Texas Judicial Council (Office of Court Administration) **no later than the 30th day after the date the judgment was entered in the case.**

INSTRUCTIONS

If **no requests** for a hate crime finding were made during the month reported, **check the box at the top of the form.**

If a request for a hate crime finding **was** made:

- Line 1.** Enter the name of the court that heard and ruled on the motion for an affirmative finding (e.g., County Court at Law No. 4).
- Line 2.** Enter the case number.
- Line 3.** Indicate whether the motion was granted, denied, or withdrawn.
- Line 4.** Indicate whether an affirmative finding was entered in the judgment of the case.
- Line 5.** Enter the date the judgment was entered in the case.

APPENDIX¹

OFFICIAL COUNTY COURT MONTHLY REPORT

Criminal Case-Type Categories for Various Misdemeanor Offenses

MA = Class A Misdemeanor
 MB = Class B Misdemeanor

MC = Class C Misdemeanor
 + = Penalty is enhanced

<u>OFFENSE</u>	<u>PENAL CODE SECTION*</u>	<u>PENALTY</u>	<u>CASE-TYPE CATEGORY</u>
ACCIDENT REPORT INFORMATION AND OTHER INFORMATION FOR PECUNIARY GAIN, USE OF	38.18	MB	Other Criminal
ADVERTISING FOR PLACEMENT OF CHILD	25.09	MA	Other Criminal
AIRBAGS – MAKE / SELL COUNTERFEIT OR INTENTIONALLY ALTER	TRC 547.614	MA	Other Criminal
ALCOHOLIC BEVERAGE IN MOTOR VEHICLE, POSSESSION OF	49.031	MC	Other Criminal
AMUSEMENT RIDE, ASSEMBLING OR OPERATING WHILE INTOXICATED	49.065	MB	Other Criminal
ANIMALS, CRUELTY TO NON-LIVESTOCK Failure to provide food, care & shelter	42.092	MA	Other Criminal
ASSAULT			
Against elderly or disabled	22.01	MA	Assault
Bodily injury	22.01	MA	Assault
Against sports participant	22.01	MB	Assault
Offensive contact	22.01	MC	Assault
Threat	22.01	MC	Assault
ASSISTANCE ANIMAL, ATTACK ON	42.091	MA	Other Criminal
ATHLETE, ILLEGAL RECRUITMENT OF Value of benefit less than \$1,500	32.441	MC-MA	Other Criminal
ATTEMPT, CRIMINAL			
Attempted state jail felony	15.01	MA	Other Criminal
Attempted Class A misdemeanor	15.01	MB	Other Criminal
Attempted Class B misdemeanor	15.01	MC	Other Criminal
BAD CHECK, ISSUANCE OF			
Ordinary	32.41	MC	Theft or Worthless Checks
For court-ordered child support	32.41	MB	Theft or Worthless Checks
BAIL JUMPING AND FAILURE TO APPEAR			
Generally	38.10	MA	Other Criminal
Underlying offense punishable by fine only	38.10	MC	Other Criminal
BARRATRY AND SOLICITATION OF PROFESSIONAL EMPLOYMENT	38.12	MA	Other Criminal
BOATING WHILE INTOXICATED	49.06	MB	Other Criminal
BURGLARY			
Coin-operated machine	30.03	MA	Other Criminal
Vehicle	30.04	MA	Other Criminal
CHILD, LEAVING IN A VEHICLE	22.10	MC	Other Criminal
CIGARETTES, PROHIBITIONS RELATING TO CERTAIN	48.015	MA	Other Criminal

¹ All references are to Penal Code unless otherwise noted.

<u>OFFENSE</u>	<u>PENAL CODE SECTION*</u>	<u>PENALTY</u>	<u>CASE-TYPE CATEGORY</u>
CIVIL PROCESS, PREVENTING EXECUTION OF	38.16	MC	Other Criminal
CIVIL RIGHTS OF PERSON IN CUSTODY, VIOLATIONS OF	39.04	MA	Other Criminal
COMPUTER SECURITY, BREACH OF			
Ordinary	33.02	MB	Other Criminal
Harmful access: less than \$1,500 damage & one or no prior conviction	33.02	MA	Other Criminal
CONSPIRACY, CRIMINAL ##			
To commit state jail felony	15.02	MA	Other Criminal
CORPSE, ABUSE OF	42.08	MA	Other Criminal
CREDIT CARD TRANSACTION RECORD LAUNDERING			
Sale less than \$1,500	32.35	MC-MA	Other Criminal
CRIMINAL INSTRUMENT, UNLAWFUL USE OF			
Possession with intent to use in commission of offense	16.01	One category lower than object offense	Other Criminal
CRIMINAL MISCHIEF			
Interruption or diversion of public utilities	28.03	MA	Other Criminal
Pecuniary loss less than \$1,500	28.03	MC-MA	Other Criminal
CRIMINAL SIMULATION	32.22	MA	Other Criminal
CRUELTY TO ANIMALS (1 st or 2 nd conviction)	42.09	MA	Other Criminal
DANGEROUS DRUG, POSSESSION OF	HSC 483.041	MA	Drug Offenses
DEADLY CONDUCT (Ordinary)	22.05	MA	Assault
DECEPTIVE BUSINESS PRACTICE			
Specified categories	32.42	MA	Other Criminal
With intent or prior conviction (limited to specified categories)	32.42	MA	Other Criminal
With criminal negligence and no prior conviction (limited to specified categories)	32.42	MC	Other Criminal
DECEPTIVE PREPARATION AND MARKETING OF ACADEMIC PRODUCT	32.50	MC	Other Criminal
DISORDERLY CONDUCT			
Abusive language	42.01	MC	Other Criminal
Creating unreasonable odor	42.01	MC	Other Criminal
Discharging firearm in a public place	42.01	MB	Other Criminal
Displaying firearm in public place in alarming manner	42.01	MB	Other Criminal
Exposure of anus or genitals, reckless	42.01	MC	Other Criminal
Fighting in public	42.01	MC	Other Criminal
Looking into dwelling, public restroom or hotel guest room, lewd purpose	42.01	MC	Other Criminal
Offensive abuse or threats	42.01	MC	Other Criminal
Offensive gesture or display	42.01	MC	Other Criminal
Unreasonable noise	42.01	MC	Other Criminal
DISRUPTING MEETING OR PROCESSION	42.05	MB	Other Criminal
DOCUMENT, SECURING EXECUTION OF BY DECEPTION			
Value of property, service or pecuniary interest			

<u>OFFENSE</u>	<u>PENAL CODE SECTION*</u>	<u>PENALTY</u>	<u>CASE-TYPE CATEGORY</u>
Less than \$1,500	32.46	MC-MA	Other Criminal
DOG FIGHTING			
Owns/trains dog or is a spectator	42.10	MA	Other Criminal
DRIVING COMMERCIAL MOTOR VEHICLE IN VIOLATION OF OUT-OF-SERVICE ORDER	TRC 522.071	M*	Traffic
Employer responsibility	TRC 522.072	MB	Traffic
DRIVING WHILE INTOXICATED			
(includes driving under influence of drugs)	49.04	MB	D.W.I.
Prior conviction	49.09	MA	D.W.I.
DRIVING WHILE LICENSE INVALID			
Previous conviction / suspension	TRC 521.457	MB	Traffic
And operating vehicle in violation of motor vehicle liability requirement	TRC 521.457	MB	Traffic
And caused/was at fault in accident resulting in serious bodily injury or death of another person	TRC 521.457	MA	Traffic
DRUG PARAPHERNALIA, POSSESSION OR DELIVERY OF	HSC 481.125	MC-MA	Drug Offenses
EMERGENCY TELEPHONE CALL, INTERFERENCE WITH	42.062	MA	Other Criminal
EMPLOYMENT HARMFUL TO CHILDREN	43.251	MA	Other Criminal
ENTICING A CHILD (Ordinary)	25.04	MB	Other Criminal
ESCAPE			
Ordinary	38.06	MA	Other Criminal
Permitting or facilitating	38.07	MA	Other Criminal
EVADING ARREST OR DETENTION (Ordinary)	38.04	MB	Other Criminal
FAILURE TO IDENTIFY	38.02	MC-MA	Other Criminal
FAILURE TO PROVIDE NOTICE AND REPORT OF DEATH OF RESIDENT OF INSTITUTION	38.19	MB	Other Criminal
FAILURE TO REPORT FELONY (involving serious bodily injury or death)	38.171	MA	Other Criminal
FAILURE TO REPORT DEATH OF PRISONER	39.05	MB	Other Criminal
FAILURE TO STOP OR REPORT AGGRAVATED SEXUAL ASSAULT OF CHILD	38.17	MA	Other Criminal
FALSE ALARM OR REPORT (Ordinary)	42.06	MA	Other Criminal
FALSE IDENTIFICATION AS PEACE OFFICER; MISREPRESENTATION OF PROPERTY	37.12	MB	Other Criminal
FALSE INFORMATION / STATEMENT TO METAL RECYCLER	OC 1956.040	MA	Other Criminal
FALSE REPORT			
To law enforcement personnel	37.08	MB	Other Criminal
Regarding missing child or missing person	37.081	MC	Other Criminal

<u>OFFENSE</u>	<u>PENAL CODE SECTION*</u>	<u>PENALTY</u>	<u>CASE-TYPE CATEGORY</u>
FALSE STATEMENT TO OBTAIN PROPERTY OR CREDIT Value of credit or property less than \$1,500	32.32	MC-MA	Other Criminal
FIDUCIARY PROPERTY OR PROPERTY OF FINANCIAL INSTITUTION, MISAPPLICATION OF Value less than \$1,500	32.45	MC-MA	Other Criminal
FINANCING STATEMENT, FRAUDULENT FILING OF Contains a material false statement	37.101	MA	Other Criminal
Is groundless	37.101	MA	Other Criminal
FIREARM			
Discharge of in certain municipalities	42.12	MA	Other Criminal
Making accessible to child			
Ordinary	46.13	MC	Other Criminal
Causes death/serious bodily injury to child/another person	46.13	MA	Other Criminal
Unlawful possession of			
By person convicted of Class A misdemeanor involving person's family or household	46.04	MA	Other Criminal
By employee of state agency or political subdivision subject to order under Sec. 6.504 or Ch. 85, Family Code Art. 17.292 of Code of Criminal Procedure, or Ch. 88 of Family Code	46.04	MA	Other Criminal
FLAG, DESTRUCTION OF	42.11	MA	Other Criminal
FLYING WHILE INTOXICATED	49.05	MB	Other Criminal
FORGERY (Ordinary)	32.21	MA	Other Criminal
FUNERAL DISRUPTION Within 1,000 ft. of cemetery/facility	42.055	MB	Other Criminal
GAMBLING			
Ordinary	47.02	MC	Other Criminal
Communicating gambling information	47.05	MA	Other Criminal
Keeping place of	47.04	MA	Other Criminal
Possession of gambling device, equipment, or paraphernalia	47.06	MA	Other Criminal
Promotion	47.03	MA	Other Criminal
GIFT TO PUBLIC SERVANT, OFFERING			
Ordinary	36.09	MA	Other Criminal
By person subject to his/her jurisdiction	36.08	MA	Other Criminal
GOVERNMENTAL RECORD, TAMPERING WITH			
Establishing residency of student in school district	37.10	MC	Other Criminal
Ordinary	37.10	MA	Other Criminal
Presents or uses record	37.10	MB	Other Criminal
Written appraisal	37.10	MB	Other Criminal
GRAFFITI Loss less than \$1,500	28.08	MB-MA	Other Criminal
HANDGUN, UNLAWFUL CARRYING OF BY LICENSE HOLDER	46.035	MA	Other Criminal
HARASSMENT	42.07	MB	Other Criminal

<u>OFFENSE</u>	<u>PENAL CODE SECTION*</u>	<u>PENALTY</u>	<u>CASE-TYPE CATEGORY</u>
Prior conviction	42.07	MA	Other Criminal
HARMFUL MATERIAL—SALE, DISTRIBUTION, OR DISPLAY OF TO MINOR (Ordinary)	43.24	MA	Other Criminal
HINDERING APPREHENSION OR PROSECUTION	38.05	MA	Other Criminal
HINDERING PROCEEDINGS BY DISORDERLY CONDUCT	38.13	MA	Other Criminal
HINDERING SECURED CREDITORS Less than \$1,500	32.33	MC-MA	Other Criminal
HOAX BOMBS	46.08	MA	Other Criminal
HONORARIUM, ACCEPTANCE OF	36.07	MA	Other Criminal
HUMAN ORGANS, PURCHASE OR SALE OF	48.02	MA	Other Criminal
IDENTIFICATION NUMBERS, TAMPERING WITH	31.11	MA	Other Criminal
IMPROPER INFLUENCE	36.04	MA	Other Criminal
INDECENT EXPOSURE (Ordinary)	21.08	MB	Other Criminal
INSTRUMENTS USED TO COMMIT RETAIL THEFT— POSSESSION, MANUFACTURE, OR DISTRIBUTION OF CERTAIN	31.15	MA	Other Criminal
INSURANCE FRAUD Value of claim less than \$1,500	35.02	MC-MA	Other Criminal
INTERFERENCE WITH PUBLIC DUTIES	38.15	MB	Other Criminal
LASER POINTER, IMPAIR AIRCRAFT OPERATOR WITH	42.14	MA	Other Criminal
LEGAL PROCESS, SIMULATING	32.48	MA	Other Criminal
MARIHUANA			
Delivery			
1/4 ounce or less	HSC 481.120	MB-MA	Drug Offenses
Possession			
2 to 4 ounces	HSC 481.121	MB-MA	Drug Offenses
MISCELLANEOUS SUBSTANCES, POSSESSION OF (not listed in a Penalty Group)	HSC 481.119	MB-MA	Drug Offenses
MOTOR VEHICLE, FRAUDULENT TRANSFER OF A Under subsection (b)(4)	32.34	MA	Other Criminal
MULTICHANNEL VIDEO OR INFORMATION SERVICES DEVICE			
Manufacture, distribution, or advertisement of	31.13	MA	Other Criminal
Sale or lease of	31.14	MA	Other Criminal
Theft of or tampering with			
For remuneration	31.12	MA	Other Criminal
Ordinary	31.12	MC	Other Criminal
Prior conviction	31.12	MB	Other Criminal
Two prior convictions	31.12	MA	Other Criminal

<u>OFFENSE</u>	<u>PENAL CODE SECTION*</u>	<u>PENALTY</u>	<u>CASE-TYPE CATEGORY</u>
9-1-1 SERVICE, SILENT OR ABUSIVE CALLS TO	42.061	MB	Other Criminal
OBSCENE DISPLAY OR DISTRIBUTION OBSCENITY	43.22	MC	Other Criminal
Promotes obscene material/device	43.23	MA+	Other Criminal
Produces/presents/participates in obscene performance	43.23	MA+	Other Criminal
OBSTRUCTING HIGHWAY OR OTHER PASSAGEWAY	42.03	MB	Other Criminal
OFFICIAL CAPACITY, ABUSE OF			
Law violation	39.02	MA	Other Criminal
Misuse of government property			
Less than \$1,500	39.02	MC-MA	Other Criminal
OFFICIAL INFORMATION, MISUSE OF			
Coerces another to suppress/fail to report information to law enforcement	39.06	MC	Other Criminal
OFFICIAL OPPRESSION	39.03	MA	Other Criminal
ORGANIZED CRIMINAL ACTIVITY			
Conspiracy			
Misdemeanor	71.02	Same as offense conspired to commit	Other Criminal
Crime committed			
Misdemeanor	71.02	One degree higher than crime committed	Other Criminal
Violation of court order enjoining organized criminal activity	71.021	MA	Other Criminal
PERJURY	37.02	MA	Other Criminal
PHYSICAL EVIDENCE, TAMPERING WITH OR FABRICATING			
Failure to report location of dead body	37.09	MA	Other Criminal
POLICE SERVICE ANIMALS, INTERFERENCE WITH			
Taunts, torments, or strikes animal	38.151	MC	Other Criminal
Throws object or substance at animal	38.151	MB	Other Criminal
Interferes with/obstructs animal or handler/rider	38.151	MA	Other Criminal
Releases animal from its area of control	38.151	MA	Other Criminal
Enters area of control without consent of handler/rider	38.151	MA	Other Criminal
POSSESSION OR TRANSPORT OF CERTAIN CHEMICALS WITH INTENT TO MANUFACTURE CONTROLLED SUBSTANCE (not listed in Penalty Group)	HSC 481.124	MA	Drug Offenses
PROSTITUTION			
Ordinary			
Without prior conviction	43.02	MB	Other Criminal
With one or two prior convictions	43.02	MA	Other Criminal
Promotion of	43.03	MA	Other Criminal
PROTECTIVE ORDER OR MAGISTRATE'S ORDER, VIOLATION OF			
Ordinary	25.07	MA	Other Criminal
Preventing offense caused by bias or prejudice	25.071	MA	Other Criminal
PROTECTIVE ORDER ISSUED ON BASIS OF SEXUAL ASSAULT, VIOLATION OF	38.112	MA	Other Criminal

<u>OFFENSE</u>	<u>PENAL CODE SECTION*</u>	<u>PENALTY</u>	<u>CASE-TYPE CATEGORY</u>
PUBLIC COMMUNICATIONS, NOT SCRAMBLED OR ENCRYPTED—ILLEGAL DIVULGENCE OF			
Communication not public land mobile radio or paging service	16.05	MA	Other Criminal
Communication public land mobile radio or paging service	16.05	MC	Other Criminal
PUBLIC INTOXICATION	49.02	MC	Other Criminal
PUBLIC LEWDNESS	21.07	MA	Other Criminal
PUBLIC SERVANT OR VOTER, COERCION OF	36.03	MA	Other Criminal
RAILROAD PROPERTY, INTERFERENCE WITH			
Throws object/discharges firearm or weapon at train or rail-mounted work equipment (no bodily injury)	28.07	MB	Other Criminal
Enters/remains on property without consent	28.07	MC	Other Criminal
Tampers with railroad property; places obstruction on track or right-of-way; or causes derailment			
No pecuniary loss	28.07	MC	Other Criminal
Pecuniary loss \$20 or more but less than \$1,500	28.07	MB-MA	Other Criminal
RECKLESS DAMAGE OR DESTRUCTION	28.04	MC	Other Criminal
REFUSING TO RELEASE FALSE LIEN OR CLAIM	32.49	MA	Other Criminal
RESISTING ARREST, SEARCH, OR TRANSPORTATION	38.03	MA	Other Criminal
RESTRAINT, UNLAWFUL (Ordinary)	20.02	MA	Other Criminal
RIGGING PUBLICLY EXHIBITED CONTEST	32.44	MA	Other Criminal
RIOT			
Ordinary	42.02	MB	Other Criminal
Offense during riot	42.02	Same penalty as offense committed	Other Criminal
RUNAWAY CHILD, HARBORING	25.06	MA	Other Criminal
SMOKING TOBACCO IN CERTAIN PUBLIC PLACES	48.01	MC	Other Criminal
STOLEN CHECK OR SIMILAR SIGHT ORDER, STEALING OR RECEIVING	32.24	MA	Other Criminal
SUICIDE, AIDING (Ordinary)	22.08	MC	Other Criminal
TELECOMMUNICATIONS ACCESS DEVICE, PUBLICATION OF	33A.05	MA	Other Criminal
TELECOMMUNICATIONS SERVICE			
Theft of			
Value less than \$1,500	33A.04	MB-MA	Other Criminal
Less than \$500 but with prior computer crimes conviction	33A.04	MA	Other Criminal
Unauthorized use of			
Value less than \$1,500	33A.02	MB-MA	Other Criminal
Value less than \$500 but with prior computer crimes conviction	33A.02	MA	Other Criminal
TERRORISTIC THREAT			
Causing emergency agency to react	22.07	MB	Other Criminal
Interrupting occupation of facility	22.07	MA	Other Criminal
Placing person in fear of serious bodily injury	22.07	MB	Other Criminal

<u>OFFENSE</u>	<u>PENAL CODE SECTION*</u>	<u>PENALTY</u>	<u>CASE-TYPE CATEGORY</u>
THEFT			
By check			
Less than \$500	31.03	MC-MB	Theft or Worthless Checks
Driver's license, commercial driver's license or personal identification	31.03	MB	Theft or Worthless Checks
Value of ordinary property			
Less than \$1,500	31.03	MC-MA	Theft or Worthless Checks
<i>NOTE: The degree of offense is increased to the next higher category if: a) the actor was a public servant, or b) the actor was in a contractual relationship with government and the property came into possession through a contractual relationship.</i>			
Value of service			
Less than \$1,500	31.04	MC-MA	Theft or Worthless Checks
TRACKING DEVICE, UNLAWFUL INSTALLATION OF	16.06	MA	Other Criminal
TRADEMARK COUNTERFEITING			
Less than \$1,500	32.23	MC-MA	Other Criminal
TRAFFIC OFFENSES			
Misdemeanor	Title 7, Transportation Code	MC-MA	Traffic
TRESPASS, CRIMINAL			
Agricultural land	30.05	MC	Other Criminal
Habitation, shelter center, Superfund site, or critical infrastructure facility	30.05	MA	Other Criminal
Ordinary	30.05	MB	Other Criminal
Deadly weapon carried	30.05	MA	Other Criminal
By holder of license to carry concealed handgun	30.06	MA	Other Criminal
UNAUTHORIZED PRACTICE OF LAW	38.123	MA	Other Criminal
UNLAWFUL ACCESS TO STORED COMMUNICATIONS	16.04	MA	Other Criminal
VICTIM, IMPROPER CONTACT WITH	38.111	MA	Other Criminal
VOLATILE CHEMICALS (including paint and glue), ABUSABLE			
Delivery to minor			
With sales permit	HSC 485.032	MB	Drug Offenses
Sales tax permit only	HSC 485.032	MA	Drug Offenses
Failure to post sign	HSC 485.034	MC	Drug Offenses
Inhalant paraphernalia			
Possession	HSC 485.033	MB	Drug Offenses
Deliver, sell, or possess or manufacture with intent to deliver or sell	HSC 485.033	MA	Drug Offenses
Possession and use	HSC 485.031	MB	Drug Offenses
Sale without permit	HSC 485.035	MB	Drug Offenses
WEAPONS			
Prohibited			
Switchblade knife, knuckles	46.05	MA	Other Criminal
Unlawful carrying			
Handgun, illegal knife or club (Ordinary)	46.02	MA	Other Criminal
Unlawful transfer of certain weapons	46.06	MA	Other Criminal
WRITING—FRAUDULENT DESTRUCTION, REMOVAL, OR CONCEALMENT OF (Ordinary)	32.47	MA	Other Criminal

* Unless otherwise noted, all code sections refer to the Penal Code. "HSC" refers to the Health and Safety Code.

Conspiracy charges will be stated in an indictment or information as an **agreement** to commit some other crime such as murder, kidnapping, delivery of a controlled substance, etc.

OFFENSE

**PENAL CODE
SECTION***

PENALTY

**CASE-TYPE
CATEGORY**

County Instructions October 2007