



City of Belton

Municipal Court

SUBJECT: TEXAS CODE OF JUDICIAL CONDUCT- *ex parte* COMMUNICATION

POLICY. This policy prohibits the Judge from receiving written and/or verbal communication in regards to cases without a plea of guilty or nolo contendere.

AUTHORITY: CANON RULE OF ETHICS 6C(2) and Art 45.024 of the Code of Criminal Procedure

A defendant may be scheduled to see the Judge on an arraignment date to discuss his or her case, so long as the defendant wishes to enter a plea of guilty or nolo contendere. If the defendant is unsure of what he or she wants to do, and still demands to see the Judge and refuses to indicate how they plan to plead before the Judge, the defendant shall be scheduled for a jury trial under Art.45.024, Code of Criminal Procedure. They shall be informed that under the Canon Rule of Ethics 6C(2), a defendant may not speak with the Judge *ex parte* regarding any specifics of the case without all parties present, unless they plan to enter a plea of guilty or nolo contendere.

LaCretia van de Plas
Court Administrator

Judge Steve Lee
Municipal Court Judge



City of Belton

Municipal Court

SUBJECT: ADMINISTRATIVE POLICY & PROCEDURE- 30 DAY EXTENSION REQUEST

POLICY. This policy outlines the defendant's request for a 30 (thirty) day extension to pay fine and court costs.

30 (Thirty) Day Extension Request

Allow up to a 30 day (additional) extension for defendants who has not previously entered into a judgment with the court, not currently in warrant status and appears on/or before their initial appearance and/or show cause hearing.

A defendant may request an 30 day extension to pay the fine and court costs in full from the date of the "guilty" or "no contest" plea. The Defendant shall complete and sign the '30 Day Extension Request' for the court's approval.

The original '30 Day Extension Request' will be enclosed in the defendant's file. A copy will be provided to the defendant.

The Defendant fails to pay the fine and court costs in full by the (30) thirtieth day, a time payment fee of \$25.00 will be assessed and a show cause hearing shall be set. The Defendant shall pay the remaining fine, court costs and time payment fee in full before the show cause date; or appear at the show cause hearing; or the Defendant may appear at the Court administration office to request 1 (one) additional 30 day extension.

LaCretia van de Plas
Court Administrator

Judge Steve Lee
Municipal Court Judge

Amended March 25, 2019



City of Belton

Municipal Court

SUBJECT: ADMINISTRATIVE POLICY & PROCEDURE- PAYMENT PLAN REQUEST

POLICY. This policy outlines the defendant's request for a payment plan to pay court costs and fines.

Payment Plan Request

Allow monthly payment installments for defendants whom have not previously entered into a judgment with the court, not currently in warrant status and appears on/or before their initial appearance and/or show cause hearing.

A defendant who appears to plead "guilty" or "no contest" may request to make monthly installments to pay the fine and court costs. The Defendant shall complete and sign the 'Deferred Payment Agreement' for the court's approval.

The original 'Deferred Payment Agreement' will be enclosed in the defendant's file. A copy will also be provided to the Defendant.

The Defendant fails to comply with the conditions of the agreed upon payment plan, a show cause hearing shall be set. The Defendant shall pay the remaining balance of fine and court costs in full before the show cause date; or appear before the court on the show cause date; or the Defendant may enter into a new payment plan before the show cause date with payment in full of the previous missed installments and completing a new 'Deferred Payment Agreement'. If the Defendant had previously entered into a second payment plan and is out of compliance, the Defendant must pay in full or appear on the show cause date.

LaCretia van de Plas
Court Administrator

Judge Steve Lee
Municipal Court Judge

Amended March 26, 2019



City of Belton

Municipal Court

SUBJECT: ADMINISTRATIVE POLICY & PROCEDURE- DEFENSIVE DRIVING REQUESTS

POLICY. This policy outlines the requirements for defensive driving.

AUTHORITY: Art.45.0511 of the Code of Criminal Procedure (CCP).

The defendant:

- 1) enters a plea in writing of no contest or guilty on or before the answer date on the notice to appear;
- 2) presents in person to the court an oral or written request to take a course; or
- 3) sends to the court a written request to take a course;
- 4) the court enters judgement on the person's plea of no contest or guilty at the time the plea is made but defers imposition of the judgement for 90 days;
- 5) the person has a Texas driver's license; (exception is active military, military dependent or full time college student);
- 6) the person is charged with an offense to which this article applies;
- 7) the person provides evidence of financial responsibility as required by Chapter 601, Transportation Code;
- 8) the defendant's driving record as maintained by the Texas Department of Public Safety shows the defendant has not completed an approved driving safety course within the 12 months preceding the date of the offense.

The defendant pays court costs and a \$10.00 administrative fee at the time of request.

The defendant will have ninety days from the date of the request to complete a driving safety course approved by the Texas Education Agency, submit the court copy of the completion certificate along with the certified driving record obtained from D.P.S. to the court.

The court shall report the fact that the person successfully completed a driving safety course and the date of completion to the the Texas Department of Public Safety for inclusion in the person's driving record.

LaCretia van de Plas
Court Administrator

Judge Steve Lee
Municipal Court Judge

April 4, 2019



City of Belton

Municipal Court

SUBJECT: FAILURE TO PROVIDE DEFENSIVE DRIVING CERTIFICATE/DRIVING RECORD

POLICY. This policy outlines the requirement of a court session or payment of fine for failure to submit the completion certificate for defensive driving and/or the driving record.

AUTHORITY: Art.45.0511 of the Code of Criminal Procedure (CCP).

A defendant who requests but does not complete the requirements for the driving safety course is not entitled to a refund of the fee.

A defendant requesting a driving safety course **fails to furnish evidence of the successful completion** of the course and all the required documents to the court on the ninetieth (90th) calendar day, the court shall:

- 1) notify the defendant in writing, mailed to the address appearing on the citation, of that failure, and;
- 2) require the defendant to appear at the time and place stated in the notice to show cause why the evidence was not timely submitted to the court.
- 3) A defendant who fails to appear at the time and place stated in the show cause notice commits a misdemeanor punishable as provided by Sec. 543.009, Transportation Code.
- 4) In lieu of a court appearance the defendant may pay remainder of fine balance, if said fine is paid on or before the show cause date.
- 5) If the Defendant still wishes to submit the driving safety course certificate after the initial due date, the course must be completed within 15 days of the initial due date and submitted to the Court by the show cause date.

LaCretia van de Plas
Court Administrator

Judge Steve Lee
Municipal Court Judge

Amended March 25, 2019



City of Belton

Municipal Court

POLICY. The City of Belton Court Supervisor and Court Administrator may process requests for 30/60/90 Days Deferred Disposition from a Defendant, or his attorney, at the Court office and may complete the paperwork for the Judge's approval. Defendants not meeting said eligibility requirements, as set forth below, may present their request for Deferred Disposition to the Court by setting the case on the Court's docket.

MOVING VIOLATIONS:

A Defendant is **not** eligible for Deferred Disposition at the Court office for a moving violation if:

- 1) The Defendant has been granted a Deferred Disposition in the City of Belton within twelve (12) months of the date of application;
- 2) the driver is the holder of a provisional driver's license or a Commercial Driver's License;
- 3) the offense occurred in a construction or maintenance work zone when workers are present;
- 4) the offense involves passing a school bus;
- 5) the offense involves failing to obey school crossing guard;
- 6) the offense involves speeding in excess of **15 mph or more over** the posted speed limit or in excess of **85 mph**; or
- 7) the case is in "Warrant Status".

NON-MOVING VIOLATIONS:

A Defendant is **not** eligible for Deferred Disposition at the Court office for non-moving violations if:

- 1) the Defendant has been granted a Deferred Disposition in the City of Belton within twelve (12) months of the date of application;
- 2) the offense involves violations of the Alcohol Beverage Code;
- 3) the offense involves violations of the Texas Health and Safety Code (Tobacco violations);
- 4) the offense involves a violation of the Family Violence Code;
- 5) the offense involves personal complaints; or
- 6) the case is in "Warrant Status".

LaCretia van de Plas
Court Administrator

Judge Steve Lee
Municipal Court Judge

JUNE 13, 2017



City of Belton

Municipal Court

SUBJECT: ADMINISTRATIVE POLICY & PROCEDURE- EXPIRED VEHICLE REGISTRATION

POLICY. This policy outlines the requirements for the renewal of the motor vehicle registration and collection of the Municipal Court Administrative fee of \$10.00.

EXPIRED MOTOR VEHICLE REGISTRATION

AUTHORITY: 502.402 of the Transportation Code (TC). Expired Motor Vehicle Registration. Dismissal of charge with an Administrative fee. In order to have the violation dismissed with payment of the administrative fee of \$10.00,

- (1) The Defendant must provide a copy of the registration reflecting the paid state penalty fee; Section 502.176,

A copy of the registration reflecting the paid state penalty fee, will be enclosed in the defendant's file. A copy of their receipt of payment for the administrative court fee will also be enclosed.

NOTE: If the state penalty fee is not paid, the violation will not be dismissed and the administrative fee cannot be collected.

LaCretia van de Plas
Court Administrator

Judge Steve Lee
Municipal Court Judge

JUNE 13, 2017



City of Belton

Municipal Court

SUBJECT: ADMINISTRATIVE POLICY & PROCEDURE- FAIL TO DISPLAY A DRIVER'S LICENSE

POLICY. This policy outlines the requirements for fail to carry and exhibit a driver's license on demand.

FAIL TO DISPLAY A DRIVER'S LICENSE

AUTHORITY: 521.025 of the Transportation Code (TC). Fail to Display a Driver's License. The violation for failure to carry and exhibit on demand a driver's license.

- (a) A person required to hold a license under Section 521.021 shall:
- (1) Have in the person's possession while operating a motor vehicle the class of driver's license appropriate for the type of vehicle operated; and
 - (2) Display the license on the demand of a magistrate, court officer, or peace officer.

If the defendant produces in open Court a driver's license:

- (1) Issued to that person;
- (2) Appropriate for the type of vehicle operated; and
- (3) Valid at the time of the arrest for the offense; then
- (4) A copy of the license will be included in the file for dismissal. **No fee is collected.**

OR

If the violation goes into warrant status, the court is authorized to collect the full amount of fine, court costs, warrant fee and/or DPS fee.

- (a) The defendant can plead no contest or guilty and pay;
- (b) Request a court session; or
- (c) Plead not guilty, and be scheduled for an arraignment for either a trial by jury or bench trial.

LaCretia van de Plas
Court Administrator

Judge Steve Lee
Municipal Court Judge

April 4, 2019



City of Belton

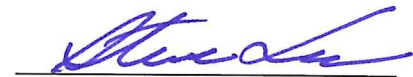
Municipal Court

SUBJECT: ADMINISTRATIVE POLICY & PROCEDURE- JUVENILE OFFENSES

POLICY. This policy applies to a defendant that is under the age of 17 years old and has been cited for traffic and/or penal offenses.

Anyone under the age of 17 years old and cited for a traffic and/or penal offense, must be set for a juvenile docket to appear before the Judge. The defendant **must** appear with a parent or legal guardian.


LaCretia van de Plas
Court Administrator


Judge Steve Lee
Municipal Court Judge

JUNE 14, 2017



City of Belton

Municipal Court

SUBJECT: ADMINISTRATIVE POLICY & PROCEDURE- ALCOHOL OFFENSES FILED ON MINORS

POLICY. This policy applies to defendant's that are under the age of 21 years old and have been cited for an alcohol offense. **All cases must be set for court.**

AUTHORITY: 106.10 Alcoholic Beverage Code.

No minor may plead guilty to an offense under Chapter 106 of the Alcoholic Beverage Code, except in open court before a Judge.

A minor charged with an alcohol offense and is under 21 years old must be set for an arraignment docket to appear before the Judge.

The offenses covered in Chapter 106, ABC, are:

- 1) Purchase of alcohol by a minor
- 2) Attempt to purchase alcohol by a minor
- 3) Consumption of alcohol by a minor
- 4) Possession of alcohol by a minor
- 5) Misrepresentation of age by a minor

LaCretia van de Plas
Court Administrator

Judge Steve Lee
Municipal Court Judge

JUNE 14, 2017



City of Belton

Municipal Court

SUBJECT: ADMINISTRATIVE POLICY & PROCEDURE- COURT ORDERED CLASS
SHOW CAUSE HEARINGS

POLICY. This policy outlines procedures for citations set for show cause hearings due to non-compliance for court ordered classes.

Court Ordered Class Show Cause Hearing

The Court may order a Defendant to complete an educational class as part of judgement. An signed original certificate of completion must be submitted to the Court by the specified due date.

Defendants that are not in compliance with the Court's Order will be set for a show cause hearing. The Defendant shall appear before the Court on the show cause date or submit an signed original certificate of completion to the Court's administrative office as well as complete any other ordered actions by the show cause date.

LaCretia van de Plas
Court Administrator

Judge Steve Lee
Municipal Court Judge

Amended March 29, 2019



City of Belton

Municipal Court

SUBJECT: ADMINISTRATIVE POLICY & PROCEDURE- MAIL & DROP-BOX PAYMENTS

POLICY. This policy outlines the requirements for mail and drop-box payments.

PROCEDURES. Upon receipt of mail and/or drop-box payments, the following procedures will be followed:

- a. **DROP-BOX.** Each morning the utility office retrieves payments from the drop-box. Payments received for Municipal Court will be processed immediately by the court clerk. These payments shall be date stamped on the outside envelope, opened and case files pulled.
- b. **MAIL.** Mail shall be processed as follows:
 - 1) Envelopes date stamped, opened and all correspondence stapled together.
 - 2) All case files retrieved and attached with correspondence.
 - 3) All checks and/or money orders shall be processed.
- c. **PAYMENTS.** As a general rule, payments shall be processed on the same business day. The Court Supervisor shall determine when circumstances justify a delay in processing payments. In rare instances will payments be processed more than one business day from the date of receipt. When a payment is received and there is a question on how to process it, the Court Supervisor will be notified immediately.
- d. **RECEIPTS.** A receipt will be placed in the operators receipt batch. An additional receipt will be enclosed in their case file attached to the correspondence.

Mail requests for Defensive Driving:

The defendant must submit:

- 1) A written request, signed and dated OR a citation with option #3 circled, signed and dated;
- 2) A check or money order for court costs with the \$10.00 administrative fee;
- 3) A copy of his/her driver's license, active military ID or student ID; and
- 4) A copy of valid insurance.

If all the required documentation is received, the defendant will be returned, certified mail:

- 1) A receipt reflecting the payment;
- 2) A copy of the 'Driving Safety Request' form with the completion date noted.

(A copy of **any** documentation mailed to the defendant will be retained in the defendant's file)

PARTIAL PAYMENTS. The defendant must have previously entered into a judgment with the court in order to make a partial payment.



City of Belton

Municipal Court

SECURITY. All mail and drop-box payments that have not been processed on the same day as received, shall be secured in the safe until the next business day.

MAIL BOX RULE. AUTHORITY: Art.45.013 of the Code of Criminal Procedures

Under the provisions of Art.45.013, a document is considered timely filed with the clerk of the court if:

- (1) The document is deposited with the United States Postal Service in a first class postage prepaid envelope properly addressed to the clerk on or before the date the document is required to be filed with the clerk; and
- (2) the clerk receives the document not later than the 10th day after the date the document is required to be filed with the clerk. (b) A legible postmark affixed by the United States Postal Service is prima facie evidence of the date the document is deposited with the United States Postal Service. (c) In this article, "day" does not include Saturday, Sunday or a legal holiday.

Therefore, if a letter is received 10 working days after the appearance date, the mail box rule applies and the appearance has been made by the defendant in writing. Verify the date of the postmark on the envelope and retain it with the file. **The envelope must be file stamped and retained.**

LaCretia van de Plas
Court Administrator

Judge Steve Lee
Municipal Court Judge

April 4, 2019