



**STANDING ORDERS
OF THE
CITY OF KEENE
MUNICIPAL COURT OF RECORD**

The following Standing Orders are to be used by the Municipal Court Clerk and staff and continuing until further Ordered. These Orders are intended to provide a guideline to the Clerk and staff for use in dealing with the public who may request payment or other disposition of Class C citations when the Judge of the Court is not present.
Court of Record June 15, 2017.

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STANDING ORDER NO. 1:

COMPLIANCE DISMISSALS WITH ADMINISTRATIVE FEE

The Clerks are authorized to process the dismissal of the following offenses, upon the payment of the specified administrative fee, if the evidence, set forth below, is presented. The Clerk must keep a copy of the evidence presented for the file to be attached to the dismissal to be processed.

1. Expired Registration/License Plate (Transp. Code, § 502.407(b))

- if defendant presents satisfactory evidence that he/she remedied the defect within 20 working days of the date of the offense or before the defendant's court appearance, whichever is later; and
- if presents evidence of payment of late fee for registration with the appropriate tax office receipt paperwork, and
- and the defendant pays an administrative fee of \$20.00.

2. Fail to Display Registration (Transp. Code, § 502.407)

- if defendant presents satisfactory evidence that he/she remedied the defect within 20 working days of the date of the offense or before the defendant's court appearance, whichever is later; and
- if presents evidence of payment of late fee for registration with the appropriate tax office, and
- and the defendant pays an administrative fee of \$10.00.

3. Expired Driver's License (Transp. Code, §521.026(b))

- if defendant presents satisfactory evidence (dated receipt from the Texas Department of Public Safety) that he/she renewed his/her driver's license within 20 working days of the date of the offense or before the defendant's court appearance, whichever is later.
- and the defendant pays an administrative fee of \$20.00.

4. Fail to Display Driver's License, (Transp. Code, §521.025)

- Upon presentation of a Texas Drivers' License that was.
 - a) issued to that person;
 - b) appropriate for the type of vehicle operated; and
 - c) valid at the time of the arrest for the offense.
- and the defendant pays an administrative fee of \$10.00.

5. License Plates. (T.C. 502.404(f) and (g))

For the Offense of not having two license plates (front and rear)

- Upon the presentation of the following evidence:
 - a) the defendant remedied the defect before the first court appearance
 - b) the registration for the vehicle is current during the period the offense was committed; and

- c) the registration insignia was attached to the car before the defendant's first court appearance and submitting photographic evidence of both back and front of vehicle;
- defendant must submit proof (photographic evidence of vehicle that shows the entire front and rear displaying the license plate)
- and the defendant pays an administrative fee of \$10.00.

6. Obscured License Plates. (T.C. 502.409)

- if defendant presents satisfactory evidence that he/she remedied the defect before the first court appearance
- defendant must appear at the court office and submit photographic evidence of the entire back or front of vehicle including the license plate. For security reasons, clerks will NOT inspect defective equipment corrections.
- and the defendant pays an administrative fee of \$10.00.

7. Change of Address or Name. (T.C.521.054)

- if defendant presents satisfactory evidence that he/she remedied the defect not later than the 20th working day after the date of the offense (NOT by court date);
- and the defendant pays an administrative fee of \$20.00.

8. Equipment Violations. (T.C.547.004(c) and (d)).

- if the offense does not involve a commercial motor vehicle
- the defendant presents satisfactory evidence that he/she remedied the defect before the first court appearance
- defendant must appear at the court office and submit photographic evidence of the entire front or back of vehicle including the defective equipment that was corrected. For security reasons, clerks will NOT inspect defective equipment corrections;
- defendant must sign an affidavit affirming the correction has been made; and
- and the defendant pays an administrative fee of \$10.00.

9. Expired Vessel Certificate. (Parks & Wildlife Code 31.127(f))

- If the certificate of number has not been expired for more than 60 days the clerk may process a dismissal if the defendant presents satisfactory evidence that he/she remedied the defect not later than the 10th working day after the date of the offense
- and the defendant pays an administrative fee of \$10.00.

10. Handicap Violations - Expired Disabled Parking Placard (T.C. 681.016)

- if defendant presents satisfactory evidence that he/she remedied the defect not later than the 20th working day after the date of the offense
- if the placard was not expired for more than 60 days
- if the driver's license or identification card match (set for pretrial if no match)
- and the defendant pays an administrative fee of \$20.00

STANDING ORDER NO. 2:

DISMISSALS WITHOUT FEE

The Court Clerks are authorized to process the dismissal of the following offenses upon showing the requisite proof.

1. Proof of Financial Responsibility (Transp. Code, § 601.193)

- a. Proof of financial responsibility, such as a valid insurance card or insurance policy, upon verification by Court Clerk and completion of verification form;
- b. Premium notices, payment receipts and/or handwritten documents are NOT accepted as proof.
- c. Acceptable proof
 - i. Any typewritten, company generated proof of insurance coverage containing the following:
 1. Name and address of insured
 2. Insurance policy number
 3. Policy period
 4. Name and address of insurer
 5. Make and model of covered vehicle
 6. Statement that the insurance coverage meets the minimum standard of liability coverage as required by Texas State law.

Note: Insurance policies must cover those who use the vehicle with express or implied permission of the named insured; therefore, even if an individual has a no drivers' license offense, that individual may be covered if he/she was using the insured vehicle with the express or implied permission of the named insured. Transp. Code, §601.076

- d. If proof is received is invalid or purchased after the date and time of the violation, the defendant shall be set on next court docket to discuss possible options.

2. No Driver's License (Transp. Code, §521.021)

- a. Upon presentation of a driver's license, valid on the date of the offense.
- b. and the defendant pays an administrative fee of \$10.00.

3. Handicap Parking

- a. Upon presentation of Texas Department of Transportation issued placard that was valid at the time of the original citation;
- b. The last 4 digits of the defendant's driver's license or passenger at time of the citation must match the placard.

STANDING ORDER NO. 3:

MOTIONS FOR CONTINUANCE & EX PARTE COMMUNICATIONS

Motions for Continuance (in accordance with Rule #4)

- A. Written motions are required, unless a pro se defendant, the attorney for the defense or the state is before the court on the date of court whereupon a verbal motion may be made.
- B. The court, as a matter of policy, will grant one continuance per party without good cause shown.
- C. Subsequent requests for continuance will be on good cause shown, which may include but not be limited to:
 - 1. Pre-existing court dates with appropriate documentation regarding when notified of the conflicting court date.
 - 2. Pre-scheduled vacation dates with no refunds available
 - 3. Conflicting subpoenas for witnesses
 - 4. Conflicting training schedules for witnesses
- D. Motions for continuance shall be filed as soon as practicable and seven (7) days before the court date based upon when party requesting the continuance determines a conflict exists. Motions received the day of or day before the scheduled court date will not be granted unless good cause is shown. All motions shall include certificate of service.
- E. Motions untimely filed, without good cause shown, may be denied by the court. Motions denied and subsequent failure to appear may have the prosecution request that a failure to appear charge be filed, a warrant executed and a bond for new court setting required. A cash bond will be required if the failure to appear occurred on a surety or attorney bond.

Ex Parte Communications

The Court hereby adopts the Canon 6 (c) (2), Code of Judicial Conduct, as follows:

(2) A justice of the peace or a municipal court judge, except as authorized by law, shall not directly or indirectly initiate, permit, nor consider ex parte or other communications concerning the merits of a pending judicial proceeding. This subsection does not prohibit communications concerning:

- a. uncontested administrative matters,
- b. uncontested procedural matters,
- c. magistrate duties and functions,
- d. determining where jurisdiction of an impending claim or dispute may lie,
- e. determining whether a claim or dispute might more appropriately be resolved in some other judicial or non-judicial forum,
- f. mitigating circumstances following a plea of nolo contendere or guilty for a fine-only offense, or
- g. any other matters where ex parte communications are contemplated or authorized by law.

STANDING ORDER NO. 4:

JUVENILE AND PARENTAL OBLIGATION: STATUTORY WARNING

Every Juvenile under the age of 17 shall be provided with this notice.

JUVENILE AND PARENTAL OBLIGATION STATUTORY WARNING

In accordance with Art. 45.057 of the Texas Code of Criminal Procedure, you are hereby advised as follows:

(h) A child and parent required to appear before the court have an obligation to provide the court in writing with the current address and residence of the child. The obligation does not end when the child reaches age 17. On or before the seventh day after the date the child or parent changes residence, the child or parent shall notify the court of the current address in the manner directed by the court. A violation of this subsection may result in arrest and is a Class C misdemeanor. The obligation to provide notice terminates on discharge and satisfaction of the judgment or final disposition not requiring a finding of guilt.

(i) If an appellate court accepts an appeal for a trial de novo, the child and parent shall provide the notice under Subsection (h) to the appellate court.

Upon a failure to appear by a juvenile, the following notice shall be sent to the juvenile.

WARNING: COURT RECORDS REVEAL THAT BEFORE YOUR 17TH BIRTHDAY YOU WERE ACCUSED OF A CRIMINAL OFFENSE AND HAVE FAILED TO MAKE AN APPEARANCE OR ENTER A PLEA IN THIS MATTER. AS AN ADULT, YOU ARE NOTIFIED THAT YOU HAVE A CONTINUING OBLIGATION TO APPEAR IN THIS CASE. FAILURE TO APPEAR AS REQUIRED BY THIS NOTICE MAY BE AN ADDITIONAL CRIMINAL OFFENSE AND RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.

STANDING ORDER NO. 5:

JUVENILE NOW ADULT (JNA)

It is Ordered that to protect the interest of justice for Juvenile Violators, the Clerk is to ensure that the subsequent steps are followed in any pending Juvenile Now Adult Case:

1. At the time of citation, the officer shall notify the defendant of his or her continuing obligation.
2. The Clerk shall properly notify the juvenile, parent, and/or legal guardian of their obligation to appear in court.
3. The Clerk shall automatically reset a case one time in the result the defendant and/or the parent fail to appear as a courtesy.
4. The Court shall issue a DIC 81 to the Texas Department of Public Safety for suspension of a driver's license if the juvenile fails to appear after the courtesy reset and in compliance with the rules of DIC 81 submissions.
5. The Clerk shall mail notice of Continuing Obligation to Appear to the last known address the court has on file.
6. The Court shall issue a Non-Secure Custody warrant once the defendant has reached their 17th birthday.
7. The Clerk shall summons the defendant by certified mail for a Juvenile Contempt Hearing.
8. If the defendant fails to appear for the Contempt Hearing, the Clerk shall proceed with the Continuing Obligation to Appear.
9. The Clerk shall process a Capias Warrant for Violation of Continuing Obligation. Upon a Prosecutor's motion, the underlying charge shall be dismissed.

STANDING ORDER NO. 6:

DEFERRED DISPOSITION

PERSONS WITH CDL'S DO NOT QUALIFY AND MAY NOT TAKE DEFERRED DISPOSITION. ANY JUDGMENT PROCESSED IN ERROR WILL BE RESCINDED AND THE DEFENDANT NOTIFIED OF A NEW COURT DATE.

The Clerk of the Court may process a request for deferred disposition for a moving violation, upon a plea of guilty or no contest and waiver of jury/bench trial, provided the defendant meets the eligibility requirements set forth below.

A financial affidavit may be requested to be completed with the clerk to obtain additional time to pay. A showcause date shall be provided in the event the defendant fails to comply and wishes to show good cause why sentence should not be imposed. If defendant fails to appear or fails to show good cause, sentence may be imposed, that includes the maximum fine plus court costs.

Furthermore, if the defendant fails to appear at the initial show cause hearing then a second hearing will automatically be scheduled mailing to defendant's last known address before a capias pro fine warrant may be issued.

Persons within these categories that request deferred disposition must be set for a pre-trial before the prosecutor for recommendation. All non-moving violations, including but not limited to code violations or penal code violations, must be set for pre-trial before the prosecution for recommendation.

Defendant's may request a one-time extension not to exceed thirty (30 days) to pay all applicable fees if not currently in default on any other court arrangements. The final disposition shall be deferred for 90 days.

A defendant is eligible if:

1. Was going less than 30 miles over the speed limit;
2. Shows proof of valid driver's license or state-issued ID card;
3. Pays applicable courts costs including \$30 special expense fee (or maximum allowed by law if \$30 exceeds), as determined by the Court's fee schedule;
4. If is at least 25 years of age;
5. Is not the holder of a provisional driver's license (not restricted);
6. And is not currently on deferred disposition in the City of Keene.

A defendant is NOT eligible if:

1. Holder of a CDL (Commercial Driver's License);
2. If the offense occurred in a construction zone or maintenance zone when workers were present;
3. Offenses that are exempted from mandatory DSC/MTC;
4. Juveniles age 16 and under;
5. If was involved in an accident resulting in property damage or personal injury;
6. If the offense involves passing a school bus;
7. Leaving the scene of an accident;
8. Reckless driving;
9. If the offense is more than 30 miles over the speed limit;

10. The offense involves a violation of the Alcohol Beverage Code;
11. The offense involves personal complaints (assaults, thefts, disorderly conduct, criminal mischief);
12. The offense is subsequent charge for the same type of violation (i.e. FMFR, DWLI)

Failure to Maintain Financial Responsibility Deferred Disposition Requests

The Clerk of the Court may process a request for deferred disposition for a failure to maintain financial responsibility violation upon a plea of guilty or no contest, provided:

- Payment of the fine allowed by law and all court costs as the bond for the special expense fee or may request up to 60 calendar days to pay the window fine and additional \$30.00 special expense fee if financially unable to pay at the time the request is made;
- the term of the deferred disposition is 180 days; and
- submit to the court proof of insurance as required by law showing that the Defendant had continual coverage during the entire deferral period of 180 days.

A Financial Statement may be requested to be completed with the clerk to obtain additional time to pay. A show cause date shall be provided in the event the defendant fails to comply and wishes to show good cause why sentence should not be imposed. If defendant fails to appear or fails to show good cause, sentence may be imposed, that includes the maximum fine plus court costs.

Furthermore, if the defendant fails to appear at the initial show cause hearing then a second hearing will automatically be scheduled mailing to defendant's last known address before a capias pro fine warrant may be issued.

Compliance

It is ordered that upon verification of successful completion of all deferral terms specified in the Order, the Clerk shall present the case to the Judge for dismissal.

STANDING ORDER NO. 7:

FILING WITH COURT

1. A plea of not guilty, guilty or no contest may be made by mail Art. 27.16(b), CCP and 45.013. The Court Clerk may process cases as follows:
 - a. All requests must be made in writing and may be accepted in person, via court email, and fax.
 - b. Upon a plea of not guilty, the individual will be set for a pre-trial with the prosecutor to make any motions, have the procedures and options explained prior to the trial date. If the individual is represented by legal counsel, the matter will be set on the attorney docket.
 - c. Upon a plea of guilty or no contest, and request for disposition, the case may be processed in accordance with the Court's standing order, set for pre-trial or set for a first appearance before the court.
 1. Although electronic means of recording or filing documents may be permitted, CCP45.012(b)(2), the court will not accept electronic filings of the following:

Appeal bonds
27.14 letters of appeal
 2. All communications with the court such as, letters of representation, pleas, requests for disposition, and appeals, must be in writing, signed by an attorney in good standing. Written communications, other than mere transmittal correspondence, will not be accepted by non-attorneys for purposes of proceedings hereunder.
 3. Appearance and Personal Bonds may be submitted electronically, and the original accepted in person by Clerk or via mail service.

STANDING ORDER NO. 8:

**DRIVING SAFETY COURSE (DSC) and
MOTORCYCLE TRAINING COURSE (MTC)**

PERSONS WITH CDL'S DO NOT QUALIFY AND MAY NOT TAKE DEFENSIVE DRIVING. ANY JUDGMENT PROCESSED IN ERROR WILL BE RESCINDED AND THE DEFENDANT NOTIFIED OF A NEW COURT DATE.

DSC-defensive driving safety course
MTC-Motorcycle safety course

A person qualifies for the mandatory DSC/MTC if the defendant:

1. requests DSC/MTC on or before the answer date printed on the citation;
2. pleads guilty or no contest to the charge;
3. has not taken DSC/MTC within the preceding 12 months from the date of the offense, for any reason and must sign and affidavit stating such;
4. has a valid Texas Driver's License or active duty military ID;
5. has current proof of financial responsibility, (i.e. valid insurance)
6. is charged with a moving violation, other than speeding 25 miles per hour or more over the posted speed limit. See chart of violations at Texas Administrative Code, 37 TAC § 15.89(b);
7. and pays the applicable court costs and/or fees.

However, the defendant is NOT entitled to mandatory DSC/MTC if charged with one of the following:

1. TC § 545.066: Passing a school bus;
2. TC § 550.022 accident involving damage to vehicle;
3. TC § 550.023, failure to give or render aid;
4. A serious traffic violation, TC §522.003(25)
 - a. driving in excess over 15 m.p.h. over the speed limit;
 - b. reckless driving; improper or erratic lane change;
 - c. traffic violation resulting in fatal accident;
 - d. or following too closely.
5. TC § 542.404, construction or maintenance work zone,
6. violation of § 522.011 (license or permit required); § 522.042 (commercial driver's license endorsement); § 522.015 (license or permit issued by another jurisdiction)

If no notice of the right to take DSC/MTC is contained on the citation issued, then the right to take DSC/MTC shall be extended until the defendant is notified of that right. Further, the Court shall notify a defendant charged with a misdemeanor under Transp. Code, § 472.022 (obeying warning signs and barricades) or § 729.001(a)(3) (minor's violation of traffic laws) of the defendant's right to take DSC/MTC.

The defendant has 90 days to complete the DSC/MTC and submit to the Court a uniform Certificate of Completion (or verification with MTC), an Affidavit stating that the defendant is not taking a course under this section or has not completed a course under this section that is not shown on the person's driving record, and the person's driving record.

Compliance

It is ordered that the Clerk may accept proof of completion of DSC/MTC as follows:

1. by window or by mail service;
2. presenting a signed uniform course completion certificate that states “Court Copy” and that the course was taken for Keene Municipal Court;
3. a certified driving record from the Texas Department of Public Safety;
4. and both documents reflecting a date of issuance after the date the Court granted DSC/MTC and prior to the due date.

If a defendant fails to comply with the terms and conditions of the DSC/MTC deferred judgment, the court clerk shall send notice to the defendant of the failure to comply and require that the defendant appear at the time and place stated in the notice to show cause why the evidence was not timely submitted to the court. Furthermore, if the defendant fails to appear at the initial show cause hearing then a second hearing will automatically be scheduled mailing to defendant’s last known address before a capias pro fine warrant may be issued.

If the defendant fails to appear at the show cause hearing or appears but does not show good cause for the failure to comply, the court shall enter an adjudication of guilt and impose sentence. If good cause is shown, the Court may grant an extension to present the uniform certificate or verification of course completion. **NO EXTENSION WILL BE GRANTED TO TAKE DSC OR MTC without Judge’s approval.**

If the defendant appears prior to the show cause hearing or prior to capias pro fine issued and presents a uniform course completion certificate and driving record that indicates the course was completed during the time originally ordered, the clerk may refer the paperwork to the Judge for consideration.

If the defendant presents proof of completion prior to the date the Court grants DSC/MTC the clerk shall refer the defendant to be scheduled on the next available court docket for the Judge to consider.

The law requires that persons that are under the age of 25 who receive moving violations and wish to keep it off their driving record, must take DSC.

The person may take:

- a. The mandatory DSC if they meet the state law qualifications; or
- b. May take deferred disposition with DSC, fee as the bond, if they don’t meet the statutory requirements, upon pre-trial with prosecutor.

Juveniles under the age of 17 must appear in court to exercise this option.

This order is intended to comply with the requirements of Art 45.0511, CCP, as amended, and shall be so enforced and interpreted.

STANDING ORDER NO. 9:

PAYMENT PLANS

Upon a plea of guilty or no contest, and waiver of jury/bench trial, the Court Clerk may process a payment plan upon the following terms:

1. Defendant must not currently be in default on any pre-existing time payment plan;
2. Defendant must submit proof of valid driver's license or state issued ID;
3. Completion of a financial affidavit and subject to verification;
4. Interview may be conducted based on the information provided to determine eligibility to pay by the clerk. Amount of payments may be determined by the clerk as deemed necessary based on defendant's financial situation outline by the Judge;
4. Payment of the initial \$50.00-\$100.00 as determined by clerk review;
5. Payments on the balance shall be monthly payable on same day of each consecutive month;
6. the \$25.00 time-payment fee for each case on the payment plan;
7. the defendant must sign the installment agreement and be given a copy of the agreement;
8. if the defendant defaults:
 - a. may make one-time adjustment of the due date OR
 - b. allow the defendant to pay all past due amounts to catch up the payment plan.

Amount Owed	Payment Period
\$100.00	Due at time of request or may request 30 days for initial payment
Balance broken down over monthly payments	Defendant pays monthly as agreed

If defendant claims he/she cannot make the payments in accordance with this order and requests alternative options to pay or requests indigent hearing, the clerk shall set for an indigent hearing on the next available docket.

The defendant must:

1. Complete in full the financial affidavit
 - a. Submitting false information to the Court constitutes the crime of tampering with a governmental record, punishable by incarceration and/or imposition of a fine (Sect.37.10 P.C.)
 - b. Form found online or picked up at above address and may be brought to scheduled hearing date to ensure defendant has adequate time to complete form.
2. Defendant is required to bring all documentation that supports their request. Copies will remain in case file.
 - a. Failure to bring all documentation to hearing SHALL result in hearing being DENIED.
 - b. Examples might include, but not limited to:
 - i. Bank statements, tax returns, paycheck stubs (last 3), spouse's paycheck stubs

- ii. Unemployment verification;
- iii. Proof of all government assistance (SSI, food stamps, housing assistance, disability);
- iv. Receipts for items listed on page 2 of financial affidavit that was completed;
- v. If student, proof of hours and financial aid statements

If a Defendant cannot make the payments in accordance with the Order, due to changed circumstances, the clerks are authorized to set the Defendant on an indigent/show cause docket, with the proper forms and instructions, to allow the opportunity to assess the current financial situation of the defendant. In the interim, the Defendant is encouraged to make periodic payments in the amount he/she believes they can afford to make, to reduce the amount outstanding and provide the court with additional evidence of the amount they are able to pay, all of which will be taken into consideration at the time of the hearing.

The clerk shall prepare the Order and Judgment for the Defendant to sign and forward it to the Judge for approval and signing.

STANDING ORDER NO. 10:

FINES

It is ordered that the fines as set forth in the approved fine schedule shall be assessed upon a finding of guilty or no contest for the stated violations.

It is ordered that Late Appearances shall be changed to the status of NS (Pending Warrant Status) for a 10-day grace period after the final notice date is missed. The window fine shall remain in effect until a warrant is signed by the Judge.

STANDING ORDER NO. 11:

EXTENSIONS

Upon a plea of guilty or no contest, and waiver of jury/bench trial, the Court Clerk may process an extension upon the following terms:

1. Defendant must sign the extension judgment and be given copy;
2. Defendant must submit proof of valid driver's license or state issued ID;
3. Defendant is given 30 calendar days to submit the payment.
4. If the defendant defaults:
 - a. May request a monthly payment plan in accordance with Standing Order #8

If defendant claims he/she cannot make the payments in accordance with this order and requests alternative options to pay or requests indigent hearing, the clerk shall set for an indigent hearing on the next available docket.

The defendant must:

1. Complete in full the financial affidavit
 - a. Submitting false information to the Court constitutes the crime of tampering with a governmental record, punishable by incarceration and/or imposition of a fine (Sect.37.10 P.C.)
 - b. Form found online or picked up at above address and may be brought to scheduled hearing date to ensure defendant has adequate time to complete form.
2. Defendant is required to bring all documentation that supports their request. Copies will remain in case file.
 - a. Failure to bring all documentation to hearing SHALL result in hearing being DENIED.
 - b. Examples might include, but not limited to:
 - i. Bank statements, tax returns, paycheck stubs (last 3), spouse's paycheck stubs
 - ii. Unemployment verification;
 - iii. Proof of all government assistance (SSI, food stamps, housing assistance, disability);
 - iv. Receipts for items listed on page 2 of financial affidavit that was completed;
 - v. If student, proof of hours and financial aid statements

If a Defendant cannot make the payments in accordance with the Order, due to changed circumstances, the clerks are authorized to set the Defendant on an indigent/show cause docket, with the proper forms and instructions, to allow the opportunity to assess the current financial situation of the defendant. In the interim, the Defendant is encouraged to make periodic payments in the amount he/she believes they can afford to make, to reduce the amount outstanding and provide the court with additional evidence of the amount they are able to pay, all of which will be taken into consideration at the time of the hearing.

The clerk shall prepare the Order and Judgment for the Defendant to sign and forward it to the Judge for approval and signing.

STANDING ORDER NO. 12:

FAILURE TO APPEAR/VOLUNTARY WRITTEN PROMISE TO APPEAR

If a defendant has failed to timely appear in court to properly dispose of his/her case at the initial court setting the clerk shall:

1. By regular mail to defendant's last known address, send the following notification:
 - a. Including the date and time the defendant must appear (minimum of 30 days out);
 - b. Including the name and address of the court;
 - c. Providing information regarding alternatives to full-payment;
 - d. And providing information on the consequences of the defendant's failure to appear.
2. If the defendant has failed to appear at initial court setting and to the second and final notification as required, the clerk shall mail by regular mail a pre-warrant courtesy notice providing ten (10) calendar days for the defendant to respond. If the defendant fails to respond to pre-warrant notice, then an arrest warrant may be issued.

The clerk is authorized to process the case as provided when the defendant subsequently appears:

1. Disposes of the failure to appear/violation of promise to appear charge by a plea of guilty or no contest and either pays in full or establishes a payment arrangement with the Court;
OR
2. Upon a plea of not guilty, posts an attorney, surety, or cash bond and sets a court date on the charge.

STANDING ORDER NO. 13:

CONVICTION WITH PROSECUTION MOTION (WITH COURT COSTS)

Upon the Motion of the Prosecutor, and receipt of a plea of guilty or no contest, the Court Clerk is authorized to process the conviction of the following offenses upon showing the requisite proof, with court costs.

Fail to Change Address on Drivers' License (Transp. Code, §521.054)

- Upon proof of change of address within 10 days of date of offense or before the defendant's court appearance, whichever is later

STANDING ORDER NO. 14:

PRE-TRIAL CONFERENCES

Any defendant requesting a jury trial, or as otherwise specified herein, must be set for a pre-trial conference with the prosecutor. The defendant must be advised that all pre-trial motions and discovery requests must be made at that time before the Court.

Any defendant who requests a jury trial must be advised that failure to appear on the night of trial will cause the assessment against the defendant of the costs of impaneling the jury, unless good cause is shown to the Court, pursuant to Article 45.251 of the Texas Code of Criminal Procedure.

A pre-trial with the prosecutor may be reset once without agreement of the prosecutor. Thereafter, resets will only be granted upon agreement of the prosecution, or for good cause shown to the Court.

STANDING ORDER NO. 15:

TIME SERVED/JAIL CREDIT

The Court may grant time served/jail credit for every 24 hours spent in jail on City citation or warrants. Defendant must be set for a court date and bring proof of time served on city warrants or may submit request form with proof of time served from the entity incarcerated and Judge will consider.

STANDING ORDER NO. 16

CAPIAS PRO FINE WARRANTS

Upon Defendant's presentation of self at the Court Clerk's window, the clerks may process a modified judgment or process the case as follows:

1. Paid in Full, upon receipt of full payment of the amount due and owing;
2. Defendant may pay half immediately and the balance within 30 days;
3. Warrants shall be recalled from active status and from Dispatch.
4. Turn themselves into jail for magistration;
5. If defendant claims ineligible to pay or request alternative method to pay outstanding fines, then they shall be set on indigent docket.

ALIAS WARRANTS

Upon Defendant's presentation of self at the Court Clerk's window, the clerks may process the payment, process bond, clear warrant, or set up payment plan as follows:

1. Paid in Full, upon receipt of full payment of the amount due and owing;
2. Warrants shall be recalled from active status, dispatch, and regional if applicable;
3. Upon posting of a bond:
 - a) clerk shall review bond for accuracy and completion
 - b) the warrant shall be recalled
 - c) shall date-stamp each bond
 - d) clerk shall mail out notice if applicable to all parties required to receive notice of hearing date.
4. Turn themselves into jail for magistration;
5. If defendant claims ineligible to pay or request alternative method to pay outstanding fines, then they shall be set on indigent docket for Judge to determine alternative options eligibility.

STANDING ORDER NO. 17:

WARRANT PAYMENT PLAN

Upon a plea of guilty or no contest, and waiver of jury/bench trial, the Court Clerk may process a payment plan upon the following terms for alias warrants (Note: This does not apply to capias pro fine warrants):

1. Completion of a financial affidavit;
2. All payment plans are subject to \$25 TPP fee if not paid by the 31st day;
3. Defendant must pay half of total owed immediately;
4. Warrants shall be recalled from active status and from Dispatch;
5. Payments on the balance shall be spread over monthly payments of \$100.00.

Amount Owed	Payment Period
Half of total owed.	Due at time of request
Balance broken down at a \$100 a month until paid in full	Defendant pays monthly as agreed

If defendant claims he/she cannot make the payments in accordance with this order and requests alternative options to pay or requests indigent hearing, the Court Clerk may process the case work, indicating the plea of guilty or no contest, waiver of bench/jury trial, payment due within 30 days, and a hearing set:

1. Complete in full the financial affidavit
 - a. Submitting false information to the Court constitutes the crime of tampering with a governmental record, punishable by incarceration and/or imposition of a fine (Sect.37.10 P.C.)
 - b. Form found online or picked up at above address and may be brought to scheduled hearing date to ensure defendant has adequate time to complete form.
2. Defendant is required to bring all documentation that supports their request. Copies will remain in case file.
 - a. **Failure to bring all documentation to hearing SHALL result in hearing being DENIED.**
 - b. Examples might include, but not limited to:
 - i. Bank statements, tax returns, paycheck stubs (last 3), spouse's paycheck stubs
 - ii. Unemployment verification;
 - iii. Proof of all government assistance (SSI, food stamps, housing assistance, disability);
 - iv. Receipts for items listed on page 2 of financial affidavit that was completed;
 - v. If student, proof of hours and financial aid statements

If a Defendant cannot make the payments in accordance with the Order, due to changed circumstances, the clerks are authorized to set the Defendant on an indigent/show cause docket, with the proper forms and instructions, to allow the opportunity to assess the current financial situation of the defendant. In the interim, the Defendant is encouraged to make periodic payments in the amount he/she believes they can afford to make, to reduce the amount outstanding and provide the court with additional evidence of the amount they are able to pay, all of which will be taken into consideration at the time of the hearing.

STANDING ORDER NO. 18:

MODEL RULES OF DECORUM ADOPTED

All persons who appear before Court must adhere to the model rules of decorum which are hereby adopted. See Rules of the court No. 11.

STANDING ORDER NO. 19:

ADMONISHMENT REGARDING MISDEMEANOR ASSAULT FAMILY VIOLENCE

SB 1236 – Effective 9/1/09.

Requires that certain citations issued for a Class C misdemeanor contain a prominently printed admonishment stating the defendants convicted of certain offenses constituting family violence are prohibited from possessing or purchasing firearms and advising defendants with questions to consult with an attorney. Requires a court to issue the same admonishment to a defendant charged with a misdemeanor involving family violence before accepting a plea of guilty or no contest. Provides that the citation serves as this admonishment if the defendant is charged with a misdemeanor punishable by fine only. Removes the requirement under current law that the court must admonish a defendant at arraignment, prior to accepting a plea of guilty or no contest, regarding possession of ammunition or purchase of a firearm if the defendant is convicted of a misdemeanor involving family violence. See Arts. 14.06(b); 26.13(a); and 27.14(e), Code of Crim. Proc.

STANDING ORDER NO. 20:

COURT RECORDS AND SECURITY

The Clerk of the Court is the custodian of all records pertaining to the Court and shall take reasonable steps to maintain the security of the records including, without limitation, securing records in a locked file, compartment, storage area or room when the Clerk of the Clerk's designee is away from the Court premises for an extended time. No records may be removed from the Clerk's office without oral or written permission from the Clerk, the Clerk's designee, a Judge of this Court, or upon other legal compulsion such as a subpoena. If copies of Court records are made, the Clerk of the Court shall be promptly advised so as not to cause confusion as to originality of records.

The Clerk of the Court shall advise the Presiding Judge as soon as reasonably possible after the occurrence of a Security Incident and assist in the preparation and filing of the required Texas Court Security Incident Report. The incident shall be reported to the Office of Court Administration within three (3) days of the incident. (C.C.P. Art. 102.017)

Establishment of Court Security Committee

The purpose of this Order is to establish regulations and procedures for security in the Court building or designated Court facility. The authority to promulgate and enforce such regulations and procedures inherent to the Court.

Definitions

City property and City building as used herein, shall mean property and buildings owned or occupied by the City in which the Municipal Court courtroom, Judge's office and Municipal Court Clerk's Office is located.

Personal search as used herein, means a search of such using a hand-held metal detector being moved by hand near the person of the physical search of a person's belongings.

It is Ordered that if the presence of a metal object is detected thereby, the person shall be given the opportunity to remove and display the object and if the person refuses to do so, a pat-down search around the person's body indicated by the metal detector shall be conducted.

Prohibited weapons, as used herein, means a firearm, a knife, any explosive or incendiary device, whether real or hoax, or anything, instrument or device designed metal fingernail file, made or adapted for inflicting bodily harm.

It is Ordered that if security personnel (bailiff) designate to provide security for City property discovers a prohibited weapon in the possession of the person attempting to enter the Courtroom or other City property after being advised of the prohibition, the person shall be detained for investigation, and if appropriate, arrested.

Applicability

The rules and regulations apply to all City property as defined above and to all persons entering in or such property except those persons expressly exempted herein.

Admission Searches

It is Ordered that any person desiring to enter City property as define above other than an employee of the City or a peace officer as that term is define by Article 2.12 of the Texas Code of Criminal Procedure who is acting in the course and scope of his or her official duties as a peace officer shall enter through the designated entrance or entrances to the building. Any person who activates a metal detector and still desires to enter the City building may remove metal objects from their pockets or on their body and be scanned a second time. If the metal detector is again activated, the person will not be allowed to enter the City building unless 1.) the person gives express consent to a person search, 2.) a personal search is conducted, and 3.) all prohibited weapons are surrendered.

It is Ordered that the security personnel providing security to the Court shall NOT provide safe storage for items. The items are the responsibility of the person to secure.

Exceptions

An exception to the requirement of the preceding paragraphs in this section may be made by the Court bailiff or official supervising the operation of the metal detector in the exercise of his or her reasonable discretion for any person having a surgically implanted metal item is his or her body, a person a prosthetic device or using a device designated to assist the person's mobility.

Inspection

It is Ordered that all packages briefcases, and/or other containers in the immediate possession of persons entering City property as define above shall be subject to inspection. No person other than those persons exempted from being scanned by the metal detector by the provision so the immediately preceding paragraph shall be permitted to carry a package, briefcase or other container into a City building unless such package, briefcase, or other container has been inspected by authorized personnel to determine that it does not contain a prohibited weapon. Inspection of packages, briefcases, or other containers may be carried out by authorized personnel by visual inspection of the interior of such containers or by the metal detector to survey the contents thereof if such be available.

Explosives

It is Ordered that no person entering of while on City property shall carry or possess explosives, or items intended to be used to fabricate an explosive or incendiary device, either open or concealed, except for official purposes.

Weapons Prohibited

It is Ordered that no persons shall carry or bring a prohibited weapon into a City building unless they have their Concealed Handgun License. This prohibition shall not apply to judges' peace officers as that term is define by Article 2.12 of the Texas Code of Criminal Procedure, guards employed by a penal institution as that term is define by Section 1.07 (25) of the Texas Penal Code.

General

The Court also gives the bailiff the ability to control and provide safety to the court in accordance with their training as a peace officer.

STANDING ORDER NO. 21:

OMNIBASE HOLDS & DPS CORRECTIONS

Violations that have been entered into the Department of Public Safety's Failure to Appear Program (Omnibase) will remain in Omnibase system as active until all fees, fines, and costs have been paid as authorized by law. The clerks will electronically submit clearance into the Omnibase system upon payment.

Any corrections are to be sent to the Department of Public Safety immediately as corrected in whatever method is permitted by DPS in a timely manner.

STANDING ORDER NO. 21:

INCORRECT PAYMENTS RECEIVED BY MAIL

The clerk may process payments in amount up to Twenty (\$20.00) dollars less than or more than the amount of the window fine or judgment unless it is more than maximum fine allowed by law then it will be refunded. If the amount is more than Twenty (\$20.00) dollars the payment shall be processed, and a request given to Finance to process a refund.

If the amount is less than what is owed a letter requesting the additional amount shall be sent to the defendant last known address. A one-time 30-day extension will automatically be given to allow time for the correct payment to be received back to the court.

The Standing Orders of the Municipal Court of the City of Keene, as provided herein are amended and become effective October 1, 2018.

Signed, Ordered, and Amended on _____.

Toni Driver
Presiding Judge
City of Keene Municipal Court

CC: Associate Judge
Municipal Court Prosecutor, Paul Previte
Court Administrator, Larissa Ward
Deputy Court Clerk, Allison Andrews
Bailiff, Carl Westcott
Any other appointed court designee