

Overview of Texas Municipal Courts

Riley Fletcher Basic Municipal Law Seminar

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REV. 1/11

At-A-Glance

- Municipal Courts Constitute 36 Percent of the Texas Judicial System
 - The Subject Matter Relates to:
 - Quality of Life
 - Public Safety
 - One of the ONLY Statutory Duties of City Attorneys Relates to Municipal Courts. Article 45.201, Code of Criminal Procedure
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Origins of the Court

1. In terms of their origin, municipal courts in Texas are **statutory** courts.

Origins of the Court

- 2. Chapters 29 and 30 of the Texas **Government** Code contain general governing provisions relating to municipal courts.

Chapter 29: **Municipal Courts**
Chapter 30: **Municipal Courts of Record**

Procedure in Municipal Court

- 3. Procedures for processing cases that come within the criminal jurisdiction of municipal and justice courts are contained in Chapter **45** of the Texas Code of Criminal Procedure.

It's a "code of criminal procedure" within the Code of Criminal Procedure.

Procedure in Municipal Court

Consistent with rules of code construction contained in Chapter 311 of the Government Code, if the Chapter does not provide a rule of procedure governing any aspect of the case, the judge is required to apply other general provisions of the Code of Criminal Procedure to the extent necessary to achieve the objectives of the Chapter. Article **45.002** Code of Criminal Procedure.

Jurisdiction of Municipal Courts

4. The jurisdiction of a municipal court is provided in Article **4.14** of the Code of Criminal Procedure.

- Be mindful of the "fine-only" misnomer.
- Compare Section 12.23, Penal Code with Section **12.41(3)**, Penal Code.

Jurisdiction of Municipal Courts

Municipal and Justice Courts have **concurrent** jurisdiction of fine only offenses originating in state law. (See, Article 4.16, Code of Criminal Procedure)

- Prior to the Texas Court of Criminal Appeals decision in *Ex parte Wilbarger*, 55 S.W. 968 (Tex. Crim. App. 1900), controversy surrounded whether the Texas Constitution permitted jurisdiction of **state** law violations to be given to a municipal court.

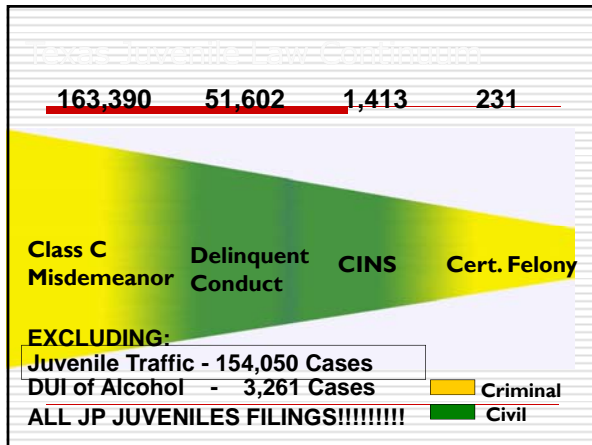
Jurisdiction of Ordinance Violations

□ 6. Municipal Courts have exclusive **original** jurisdiction of municipal ordinance violations punishable by the imposition of **fin**es.

- Some ordinances authorized by the Local Government Code authorize jail time as part of the punishment. Example: **Sexually Oriented Businesses**
- The scope of authority given to a municipality to pass ordinances depends on whether the city is "home rule" or "**general law**." Chapters 5 and 51, Local Government Code)

Trends and Misnomers in Texas Municipal Courts

7. While state traffic law violations constitute a majority of the cases filed in municipal court, the fast growing and most time consuming cases involve children and minors.



Beyond the Trial Court Function

8. Separate from their roles as trial court judges, municipal judges serve an important gate-keeping function in the adjudication of all criminal matters (misdemeanors and felonies). They do this in their roles as Magistrates.

List Five Magistrate Functions

1. **Warrants**
2. **Presentation before the Magistrate (AKA "Magistration")**
3. **Setting Bail**
4. **Magistrate Orders of Emergency Protection**
5. **Examining Trials**

Municipal Courts and Open Government

9. True or False: Municipal Courts **are not** governed by the Texas Public Information Act.

TRUE.

- Governed by Rule 12 of Judicial Administration
- Texas common law right to inspection

Judicial Ethics

10. True or False: Municipal judges **are not** governed by the Texas Code of Judicial Conduct.

FALSE

See Canon 6C. The Canons apply 24/7.

See ya down the Road!!!!!!