

A stylized graphic in the background featuring a grey five-pointed star at the top right, with a curved line swooshing upwards from the bottom left towards the star. Two grey trapezoidal shapes are positioned behind the swoosh, one on the left and one on the right.

MUNICIPAL COURT - DPS INTERLOCAL AGREEMENT – FAILURE TO APPEAR PROGRAM

RS-24-054

March 19, 2024

Overview

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- ❑ Background of DPS Interlocal Agreement – Failure to Appear
- ❑ Conformity to City Policy
- ❑ Financial Impact
- ❑ Alternatives
- ❑ Recommendation
- ❑ Summary

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Interlocal Agreement

Interlocal Agreement – Failure to Appear Program

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- ❑ The Failure to Appear Program allows the Department of Public Safety (DPS) to contract with a political subdivision to provide information necessary for the department to deny renewal of the driver's license of a person who fails to appear for a complaint or citation or fails to pay or satisfy a judgment of the court*
- ❑ The DPS contracts with a third-party vendor to oversee this automated system

*Texas Transportation Code 706.002

Interlocal Agreement – Failure to Appear Program

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- ❑ This contract requires an interlocal agreement in compliance with Chapter 791, Government Code and the Texas Transportation Code 706.008
- ❑ The contract is subject to the ability of the parties to pay the third-party vendor services required under the contract.
- ❑ An interlocal agreement with the DPS is currently in place
- ❑ The agreement was originally signed in 2004 and then amended in 2012 in compliance with changes implemented with the 82nd Legislative Session

Interlocal Agreement – Failure to Appear Program

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- ❑ The agreement was once again amended in 2020 with changes implemented in the 88th Legislative Session
- ❑ Due to changes occurring in the 90th Legislative Session, DPS revised the Failure to Appear Interlocal Cooperation Contract (ICC) to conform with the legislative mandates
- ❑ The first change is to the language and restructuring of the original ICC to provide clarity regarding responsibilities held by each party

Interlocal Agreement – Failure to Appear Program

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- ❑ The inclusion of indigency into the program as mandated by House Bill 291
- ❑ Language to account for future changes to the current statute ensuring the ICC remains in compliance with the latest legal requirements until a revised ICC is available
- ❑ These changes require a new contract to be entered into by both parties

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Conformity to City Policy

Conformity to City Policy

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- The interlocal agreement conforms to City policy and Government Code, Chapter 791 and the Texas Transportation Code 706.008

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Financial Impact

Financial Impact

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- There will be no expenditures of City funds for this program; however, \$10.00 is assessed on every case that is reported to the DPS as delinquent. The defendant is required to remit payment of the \$10.00 fee prior to releasing the hold on their driver's license; \$4.00 of the fee is retained by the city

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Alternatives

Alternatives

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- ❑ Do not enter an interlocal agreement with the Texas Department of Public Safety; or
- ❑ Enter an interlocal Agreement with the Texas Department of Public Safety

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Recommendation

Recommendation

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- ❑ Staff recommends entering into interlocal agreement with DPS to deny renewal of the driver's license of a person who fails to appear for a complaint or citation or fails to pay or satisfy a judgment ordering payment
- ❑ This is an effective tool used by municipal courts to gain compliance from defendants who would otherwise ignore a complaint, citation, or order of the court
- ❑ This Municipal Court clears approximately 7,300 cases each year as a result of utilizing this program

Summary

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- Background of DPS Interlocal Agreement – Failure to Appear
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End

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☐ Questions