



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 6/16/2020

ALL

Item Creation Date: 2/24/2020

MCD TXDPS FAILURE TO APPEAR PROGRAM

Agenda Item#: 29.

Summary:

ORDINANCE approving and authorizing an agreement between the City of Houston and the **TEXAS DEPARTMENT of PUBLIC SAFETY** for enforcement of certain warrants through the *Failure to Appear Program* for the Municipal Courts Department

Background:

The Municipal Courts Department's Director and Presiding Judge recommends that City Council approve and authorize an Interlocal Cooperation Contract (Contract) with the Texas Department of Public Safety (TxDPS) relating to the continuation of the Failure to Appear (FTA) Program. This Program denies the renewal of a driver's license to individuals who have failed to appear in court or have failed to pay or satisfy a judgment of a fine and/or cost as ordered by the Court in a matter involving certain offenses within the jurisdiction of the Court.

This Contract between TxDPS and the City of Houston is authorized by Chapter 706 of the Texas Transportation Code, and Chapter 791 of the Texas Government Code. The current contract, that has been in place since 2012, is being revised by TxDPS to accommodate legislative changes affecting Chapter 706 of the Texas Transportation Code that were approved during the 86th Legislative session.

As permitted by Section 706.008 of the Texas Transportation Code, TxDPS contracts with the Vendor, to provide and establish an automated FTA system that accurately stores information regarding violators that are subject to the provisions of this section of the law. TxDPS uses the FTA system to properly deny renewal of a driver license to a person who is the subject of an FTA system entry. The Court reports information to TxDPS, through its Vendor, regarding individuals who have failed to pay or satisfy a judgment ordering payment of a fine and/or cost in the manner ordered by the Court in a matter involving certain offenses within the jurisdiction of the Municipal Court. These are cases where a citation has been issued containing appropriate warnings that failure to appear in court or to pay or satisfy a judgment ordering payment of a fine and costs in the manner ordered by the Court may result in denial of renewal of a driver's license. Persons identified by the Court as having outstanding violations or fines must resolve those delinquencies before being allowed to renew their driver's license.

The Court has a continuing obligation to review the FTA Report and promptly submit appropriate additional information/reports to the Vendor. The clearance report must identify the person, state whether or not a fee was required, advise TxDPS to remove the denial of renewal, and state the grounds for the action. Clearance reports must be submitted to the Vendor immediately, but no later than two business days from the time and date that the Court receives appropriate payment or other information that satisfies the person's obligation to the Court.

Prior to this legislative change, the municipality collected \$30 from a defendant, where \$20 was remitted to the State on a quarterly basis, and the remaining \$10 collected was distributed as follows: \$6 to the TxDPS vendor (Vendor), OmniBase Services of Texas, and \$4 retained by the City. As a result of the changes made in the 86th Legislative session, the City will no longer collect the \$20 portion of the fee, instead, the State will recoup the costs of administering the FTA Program through the new mandated State Consolidated Fee that became effective January 1, 2020.

The Court will not waive the \$10 reimbursement fee for any person that has been submitted on an FTA Report, unless the person is deemed to be indigent, or the person is acquitted of the charges for which the person failed to appear. The \$10 fee is distributed as follows: \$6 to the Vendor, and \$4 retained by the City on each identified case. This Program has been in place for over 15 years, generates approximately \$190,000 in annual revenue for the City, and is instrumental in the resolution of delinquent traffic citations.

This Contract will be effective on the date of execution and will automatically renew on the anniversary date of execution for up to three additional years unless terminated earlier. TxDPS and the Court may amend this Contract through a written agreement signed by an authorized signatory on behalf of the respective party.

Elaine Marshall

J. Elaine Marshall
Director and Presiding Judge

Prior Council Action:

Ord. ~~2012-0834~~ (9/19/2012)

Ord. 2012-0834 (9/19/2012)
Ord. 2002-999 (11/2/2002)

Contact Information:

Gregory Prier
Deputy Director/Clerk of the Court
713.247.4841

ATTACHMENTS:

Description

SIGNED RCA FORM
Contract
Ordinance
Signed Ordinance

Type

Signed Cover sheet
Contract/Exhibit
Ordinance/Resolution/Motion
Ordinance/Resolution/Motion