

KNOW YOUR RIGHTS

**TRAFFIC TICKETS
AND OTHER
CLASS C
MISDEMEANORS**



Most traffic tickets in Texas are for Class C Misdemeanors, which are crimes punishable by a fine up to \$500.

Generally, parking tickets are not Class C Misdemeanors. This page discusses your rights and general guidelines for self-advocacy when you are charged with a Class C Misdemeanor.

These guidelines are not legal advice. Every case is unique, and nothing can replace the advice of a lawyer.

Whatever your legal situation is, remember to keep a record of each time you contact the court, save original copies of all your papers, and keep your address up to date in the court's records.

Scenarios you may encounter, covered inside:

- *I received a ticket, but I can't make it to my court date.*
- *I am considering paying my fine by mail rather than going to court.*
- *I missed my court date.*
- *I am not sure what to expect at my first court date.*
- *I am considering pleading guilty or no contest.*
- *I made a deal with the prosecutor, but now, I can't afford it.*
- *I already pled guilty or no contest, but I can't afford my fine*
- *I can't do my community service.*
- *I missed my deadline to make a payment or do community service.*
- *I can't afford to pay the Department of Public Safety (DPS).*
- *I can't renew my license or registration.*
- *I can't get insurance because I don't have a valid driver's license and registration.*
- *The court issued a warrant for my arrest.*
- *I am not sure of my rights if I get arrested.*
- *I want a lawyer, but I can't afford one.*

I received a ticket, but I can't make it to my court date.

By signing your ticket, you promised to show up at your court date. Make sure you know your court date, and contact the court if you aren't sure when your court date is. If you can't show up for your court date, call the court immediately and try to reschedule. Keep a record of your contact with the court.

Missing your court date can have serious consequences. The court may issue an arrest warrant, charge you with the crime of failure to appear, and/or fine you more money if you are found guilty. In addition, the government may refuse to renew your license or register your car until you come to court.

Many courts allow you to plead guilty or no contest, without coming to court, if you pay by mail or online. If you pay without going to court, you will be convicted of a crime. Depending on how many tickets you've had recently, you may have to pay more money on top of your fine, called a "surcharge," to the Department of Public Safety.

I am considering paying my fine by mail rather than going to court.

Many courts allow you to plead guilty or no contest, without coming to court, if you pay by mail or online. If you pay without going to court, you will be convicted of a crime. Depending on how many tickets you've gotten recently, you may have to pay more money on top of your fine, called a "surcharge," to the Department of Public Safety.

I missed my court date.

If you miss your court date, the court may issue an arrest warrant, charge you with the crime of failure to appear, and/or fine you more money if you are found guilty. The government may also refuse to renew your license or register your car until you come to court. If a warrant was issued for your arrest, read "The court issued a warrant for my arrest."

Contact the court as soon as possible and ask for a new court date. Keep a record of your contact with the court. In some courts, you can speak to a judge without an appointment by showing up during walk-in hours. Call the court or check the court website for more information about walk-in hours.

Many courts force people with arrest warrants to pay money before they can see a judge. However, we believe that you have a right to give information to a judge, no matter how much money you have. If you can't afford the money it costs to see a judge, send a letter or an email to the court and ask to see a judge without paying money. Include proof that you cannot afford to pay the court, like a financial affidavit, and keep a copy of whatever you send. You should also contact the ACLU of Texas.

If the court has issued a warrant for your arrest, and you walk into the courthouse, you might be arrested. Read the section "The court issued a warrant for my arrest."

I am not sure what to expect at my first court date.

You have the right to plead not guilty, guilty, or no contest. In many courts, you can make a deal with prosecutors to get a break in exchange for pleading guilty or no contest. If you are considering making a deal with prosecutors, read "I am considering pleading guilty or no contest."

If you plead not guilty, you have the right to a trial. You have many rights protecting you at trial, including the right to show the jury evidence and the right to ask questions of the witnesses against you. You are innocent unless a jury finds you guilty beyond a reasonable doubt.

If you plead guilty or no contest, you lose your right to a trial, but you can resolve your case more quickly. If you are considering this option, read "I am considering pleading guilty or no contest."

ASK THE COURT ABOUT ALTERNATIVES TO JAIL

Payment Plan

- Pay a little bit each month
- Don't forget your payments
- Tell the judge what you can realistically afford

Community Service

- Work off your fine
- Make sure you have the time and transport to get to and from the site
- Don't forget to turn in proof of your hours

Waiver

- Pay less than your total fine
- Explain that you cannot afford a normal fine
- Tell the judge ways that you have made an effort to do your best

I am considering pleading guilty or no contest.

If you plead guilty or no contest, you lose your right to a trial, but you can resolve your case more quickly.

Most courts have standard fines and fees that they make everyone pay. If you don't make a lot of money, you should ask the judge to give you another option. Bring a paystub, a financial affidavit, and copies of other helpful financial documents (like proof of public benefits or mortgage or rent payments) to court. Give these documents to the judge before she decides your fine, and tell her that you are "indigent" (which means that you can't afford a normal fine).

You should ask the judge to lower your fines and fees to an amount you can afford ("partial waiver"). After the judge decides the total amount you owe, you should ask for one of two options: pay your fines and fees on a payment plan, or do community service instead of paying money. You should think carefully about which option is best for you. Figure out how much money you can afford to pay each month, and how much time you can spend doing community service, including traveling to and from the community service sites. You may be arrested if you don't do what you agree to do in court.

You should also ask the judge to stop the Department of Public Safety (DPS) from making you pay surcharges. DPS is not allowed to make you pay surcharges if a judge says that you cannot afford it. Ask the judge to sign this document <http://bit.ly/1UFGAxq>, which stops DPS from making you pay surcharges. Mail the document to DPS and keep a copy for yourself.

I made a deal with the prosecutor, but now, I can't afford it.

Sometimes, prosecutors agree to give you a break if you follow through with a promise, like a promise to pay for car insurance or a defensive driving course. If you can't afford to follow through on your deal, you should contact the prosecutor and the court immediately to explain why you can't afford it. Keep a record of your contact with the court. In some courts, you can speak to a judge without an appointment by showing up during walk-in hours. Call the court or check the court website for more information about walk-in hours.

I already pled guilty or no contest, but I can't afford my fine.

If you can't afford to make your payments to the court, contact the court immediately and explain why you can't afford your payments. Keep a record of your contact with the court. In some courts, you can speak to a judge without an appointment by showing up during walk-in hours. Call the court or check the court website for more information about walk-in hours.

You should also make a lower payment to the court, if you can afford it. Making a lower payment, even just \$5, shows the court that you are trying to make payments.

If you wait too long and you miss the deadline for a payment, the court may issue a warrant for your arrest, and you may be arrested if you visit the courthouse in person. The government may also refuse to renew your license or register your car until you make your payments. If there is a warrant for your arrest, read the section "The court issued a warrant for my arrest."

When you see a judge, you need to prove that you can't afford your fines and fees. Bring a paystub, a financial affidavit and copies of other helpful financial documents (like proof of public benefits or mortgage or rent payments) to court. Give these documents to the judge, and tell her that you are "indigent" (which means that you can't afford your fine).

If you have already made some payments, you should ask the judge to forgive ("waive") the remainder of your debt. If you haven't made any payments, you should ask the judge to lower your fines and fees to an amount you can afford ("partial waiver"). After the judge decides the total amount you owe, you should ask for one of two options: pay your fines and fees on a payment plan, or do community service instead of paying money. You should think carefully about which option is best for you. Figure out how much money you can afford to pay each month, and how much time you can spend doing community service, including traveling to and from the community service sites. You may be arrested if you don't do what you agree to do in court.

You should also ask the judge to stop the Department of Public Safety (DPS) from making you pay surcharges. DPS is not allowed to make you pay surcharges if a judge says that you cannot afford it. Ask the judge to sign this document <http://bit.ly/1UFGAxq>, which stops DPS from making you pay surcharges. Mail the document to DPS and keep a copy for yourself.

CONTACT THE ACLU OF TEXAS IF:

- You are not allowed to see a judge
- You can't afford to clear your warrants
- You are arrested at court
- You are sent to jail

I can't do my community service.

Some people can't do their community service because they can't take time off of work, pay for child care, or find transportation to community service sites. If you can't do your community service, you should contact the court immediately and explain why. Keep a record of your contact with the court. In some courts, you can speak to a judge without an appointment by showing up during walk-in hours. Call the court or check the court website for more information about walk-in hours.

You should also do part of your community service, if you're able, and send proof to the court. Doing part of your community service, even just a few hours, shows the court that you are trying.

If you wait too long and you miss your community service deadline, the court may issue a warrant for your arrest, and you may be arrested if you visit the courthouse in person. The government may also refuse to renew your license or register your car until you make your payments. If there is a warrant for your arrest, read the section "The court issued a warrant for my arrest."

When you see a judge, you need to prove why you can't do community service. Bring a paystub and other helpful financial documents (like proof of public benefits or mortgage or rent bills), a financial affidavit, and copies of other helpful documents to court. Give these documents to the judge, and tell her that you are "indigent" (which means that you can't afford your fine).

If you have already done some community service, you should ask the judge to forgive ("waive") the remainder of your debt. If you haven't done any community service, you should ask the judge to lower your fines and fees to an amount you can afford ("partial waiver"). After the judge decides the total amount you owe, you should ask for one of two options: pay your fines and fees on a payment plan, or do community service on a more manageable plan. You should think carefully about which option is best for you. Figure out how much money you can afford to pay each month, and how much time you can spend doing community service, including traveling to and from the community service sites. You may be arrested if you don't do what you agree to do in court.

You should also ask the judge to stop the Department of Public Safety (DPS) from making you pay surcharges. DPS is not allowed to make you pay surcharges if a judge says that you cannot afford it. Ask the judge to sign this document <http://bit.ly/1UFGAxq>, which stops DPS from making you pay surcharges. Mail the document to DPS and keep a copy for yourself.

I missed my deadline to make a payment or do community service.

You should contact the court immediately and explain why you missed your deadline. Keep a record of your contact with the court. In some courts, you can speak to a judge without an appointment by showing up during walk-in hours. Call the court or check the court website for more information about walk-in hours.

If you can make your payment or do your community service, do it immediately. If you can't make your payment or do your community service, read "I already pled guilty or no contest but I can't afford my fine." or "I can't do my community service."

I can't afford to pay the Department of Public Safety (DPS).

DPS is separate from court. DPS is a state agency that charges money in addition to the fines you receive in court. These charges are called "surcharges." If you do not pay your surcharges, DPS will suspend your license.

If you can't afford to pay your surcharges, you have two options. One option is to ask the court to stop DPS from making you pay surcharges. Bring a paystub, a financial affidavit, and copies of other helpful financial documents (like proof of public benefits or mortgage or rent payments) to court. Give these documents to the judge and tell her that you are "indigent" (which means that you can't afford to pay surcharges). Ask the judge to sign this document <http://bit.ly/1UFGAxq>, which stops DPS from making you pay surcharges. Mail the document to DPS and keep a copy for yourself.

A second option is to ask DPS to reduce your surcharges. You may ask DPS to reduce your surcharges by completing an online application or mailing a notarized application with proof of how much money you make. Pay careful attention to proof that DPS asks for. DPS is very strict about these applications.



I can't renew my license or registration.

If you miss your court date or you don't pay your fines and fees, the Department of Public Safety (DPS) may refuse to renew your license, and your county may refuse to renew your car's registration. If you don't pay what you owe to DPS, DPS will suspend your license.

You can check whether DPS has any blocks on renewing your driver's license here. There is no online system for checking blocks on registering your car, but you can call your county clerk's office to get that information. If your license or registration renewal is suspended because you didn't pay your fines and fees in court, read "I already pled guilty or no contest, but I can't afford my fine."

If your license is suspended because you didn't pay DPS, read "I can't afford to pay the Department of Public Safety (DPS)."

I can't get insurance because I don't have a valid driver's license and registration.

There are some companies that will still sell you car insurance. This insurance is more expensive than usual, but if you can afford it, buying insurance helps you to comply with the law and avoid additional tickets. Try contacting the companies on this list <http://bit.ly/1QYe7Dj>.

The court issued a warrant for my arrest.

If there is a warrant for your arrest, contact the court immediately and explain why you didn't make your payments or do community service. Ask the court to clear your warrant, and keep a record of your contact with the court.

Most courts refuse to clear a warrant unless you pay money. However, we believe that you have the right to a hearing about clearing your warrant, no matter how much money you are able to pay. If you can't afford to clear your warrant, send a letter or an email to the court and ask to clear your warrant without paying money. Include proof that you cannot afford to pay the court, like a financial affidavit, and keep a copy of whatever you send. You should also contact the ACLU of Texas.

You may also try to visit the court in person. Some courts promise never to arrest people who come to the courthouse. Other courts make that promise for a few weeks of the year, during an "amnesty" period in February before the warrant roundup in March. Other courts refuse to make any promises about whether you will be arrested. Check your court's website, or call and ask whether the court has a policy about arresting people at the courthouse. If you are going to visit court and you think you may be arrested, read "I am not sure what to do if I get arrested." If you are arrested when you go to court, you should contact the ACLU of Texas.

Many courts force people with warrants to pay money before they can see a judge, even if they come to court in person. However, we believe that you have the right to give information to a judge, no matter how much money you have. If you can't afford the money it costs to see a judge, you may send a letter or an email to the court and ask to see a judge without paying money. Include proof that you cannot afford to pay the court, like a financial affidavit, and keep a copy of whatever you send. You should also contact the ACLU of Texas.

If you have already pled guilty or no contest, whether or not you're able to see a judge, you should try to make a payment to the court or do some community service and send proof to the court. Making a lower payment or doing some community service shows the court that you are trying to do what you can.

If you haven't pled guilty or no contest, be careful about sending payments to the court. Sending a payment can imply that you are pleading guilty.

I am not sure of my rights if I get arrested.

If you might be arrested for missing a court date, read “The court issued a warrant for my arrest” and “I am not sure what to expect at my first court date.”

If you might be arrested because you didn’t pay your fines and fees, or because you didn’t do community service, read “The court issued a warrant for my arrest.” If you are arrested, you have many rights. You do not have to answer any questions the judge asks you. If you are driving without a license, registration, or insurance, you should not tell the judge that, and you don’t have to answer questions about it.

If the judge wants to send you to jail, the judge must give you a fair hearing and allow you to explain some basic information about yourself. First, you should tell the judge the reasons why you didn’t pay your fines and fees or do community service.

- Explain why paying a fine was too difficult.
 - Tell the judge how much money you make, how many people depend on you, and your biggest expenses.
 - Tell the judge how much money you have leftover at the end of your paycheck, and how difficult it would be to give that money to the court.
 - If you get benefits like TANF, SNAP, Medicaid/CHIP, Section 8, SSI/SSDI, or free school lunches for your children, tell the judge. Explain that you qualify for these programs because you have so little money.
- Explain why community service too difficult (a “hardship”).
 - Tell the judge whether a bus or train could take you to the community service site, and how long it takes to get there and back. If you are driving without a license, registration, or insurance, you should not tell the judge that, and you don’t have to answer questions about it.
 - Tell the judge about your job responsibilities, like how long it takes you to get to work and the shifts you have to work. Tell the judge how many hours a week you have to work in order to make enough money.
 - Tell the judge about what you need to do to take care of your family, like getting your kids to school and doctor’s appointments, feeding them, and watching them.
 - Tell the judge if there are times that you cannot work for religious reasons.

Second, you should ask for a punishment other than jail. The judge has the power to get rid of your fine completely (“waiver”), lower your fine to an amount you can afford, put your fine on a manageable payment plan, or order a manageable amount of community service. If you have already made a good-faith effort to take responsibility for your ticket, like making small payments or doing part of your community service, now is the time to tell the judge.

Third, you should tell the judge how difficult a jail term would be for you. Tell the judge whether you are likely to lose your job or get a lower paycheck because you are in jail. Tell the judge whether a jail term would leave your children without someone to take care of them. Tell the judge whether you have a medical condition that would make jail very harsh.

Many people who are arrested feel scared or angry. It is reasonable to feel that way. When you are standing before the judge, however, try to focus on the fact that you have the right to explain yourself and ask for a punishment other than jail. Take a deep breath, speak up for yourself, and remain calm.

I want a lawyer, but I can’t afford one.

We are not aware of any municipal or JP court that appoints lawyers for defendants. However, if the court does not appoint a lawyer for you, it violates your rights for the court to punish you with jail. If a municipal or JP court sends you to jail, contact the ACLU of Texas.

WHEN YOU GET A TICKET

- Know your court date
- Tell the court if you can’t make it
- Go to court prepared with financial documents

WHEN THE JUDGE DECIDES YOUR FINE

- Give the judge a financial affidavit <http://bit.ly/1TVdA5g>
- Ask for alternatives like lower fines or payment plans
- Be realistic about what you can afford

IF YOU CAN’T PAY OR DO COMMUNITY SERVICE

- Contact the court as soon as possible
- Explain why you can’t pay or do community service
- Ask for other options that you can realistically complete

IF YOU HAVE A WARRANT

- Contact the court and ask to clear the warrant
- If arrested,
 - Explain why you can’t pay or do community service
 - Ask for other options that you can realistically complete
 - Explain ways you tried to do your best



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