

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N. LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

www.txdps.state.tx.us



THOMAS A. DAVIS, JR.
DIRECTOR

DAVID McEATHRON
ASST. DIRECTOR

March 26, 2004

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To: Justice and Municipal Courts of Texas

Re: DPS Warrant Databank

On my order, the Department recently terminated its Citation Disposition Receipt Program which had permitted DPS Troopers to accept payment of fines and court costs on behalf of a court in lieu of magistration from persons arrested under warrant for failing to appear to answer a fine-only charge under the Texas Transportation Code. I terminated the Program after concluding that Texas Code of Criminal Procedure art. 15.17 requires that a peace officer serving an arrest warrant place the person named in the warrant in custody and bring him before a magistrate. Because Article 27.14 does not waive this legal requirement, a peace officer may not take any other action including accepting payment of fine and court costs on behalf of the court.

In addition, I have discontinued the DPS Warrant Databank. Although DPS Troopers will diligently attempt to serve any fine-only arrest warrant given to them by the courts, we will no longer accept fine-only traffic warrants for entry into the databank. If, after a reasonable effort, we are unable to locate the person named in the warrant, it will be returned in order that the court may use other methods to serve the warrant. To assist the courts in this transition, DPS will provide a disk listing all fine-only traffic warrants issued by each court in the DPS Warrant Databank at the time of termination. A request form is included with your information packet.

An alternative for handling violators who fail to appear in justice or municipal court is a program established by the Legislature and set out in Transportation Code ch. 706. The Failure to Appear Program covers all offenses within the jurisdiction of municipal and justice courts. Additional information regarding the Failure to Appear Program is included with the information packet.

Sincerely yours,

A handwritten signature in cursive script that reads "Thomas A. Davis, Jr.".

Thomas A. Davis, Jr.
Director