

Judicial Standing Order No. 32

Capias Pro Fine Procedures

IT IS ORDERED that before a *Capias Pro Fine* can be issued for failure to satisfy the judgment in a particular case, the following procedures, consistent with Texas Code of Criminal Procedure, shall be observed.

Definitions:

Appears “*to resolve the amount owed*” shall mean, but shall not be limited to, the following:

- Immediately paying fine, costs and fees in full;
- Paying fine, costs and fees in full by a designated date;
- Entering into an installment-payment plan in accordance with conditions set forth in Standing Order No. 20;
- Completing a Financial Information form (Long-form) if the defendant claims to be unable to pay the fine, costs and/or fees, and signing a written promise to appear at the Indigency Hearing (“IH”) Docket;
- Signing a written promise to appear at the IH Docket;

Procedures:

If a defendant fails to satisfy the judgment according to its terms, the clerk shall send written notice to the defendant, by regular mail, indicating or including:

1. the date and time (not to exceed 21 days from the date of non-compliance) when the defendant must appear before the court;
2. the name of the court and location where the defendant must appear;
3. the following paragraph:

If you are unable to pay your fine and/or costs in full (one payment), you may qualify for other options, including a payment plan or performing community service, to help you satisfy the judgment. If you have questions, please contact the court.

4. the following paragraph:

If you fail to appear as required by this notice, the court will issue a warrant for your arrest and will notify various state and local agencies, including the Department of Public Safety, of your failure to pay this fine which may affect your right to renew your Texas driver’s license and vehicle registration. Additional costs and fees may be added to the fine that is assessed against you in this case.

If a defendant voluntarily appears at the court before the *Capias Pro Fine* is executed and resolves the amount owed as described above, the clerk shall request the defendant to complete a

Financial Information Questionnaire (Long-form). Upon completion of the questionnaire, the clerk shall ensure that the contact information is verified and upon verification, the clerk recall the *Capias Pro Fine*. If the defendant fails to complete the Questionnaire as requested, the *Capias Pro Fine* shall be executed.

IT IS SO ORDERED on this 5th day of January, 2023.

Diane Dupnik
Justice of The Peace, Pct 1
Aransas County, TX.