

JUDGE'S STANDING ORDER NO. 1
DRIVING SAFETY COURSE

On this date, the Court entered the following **ORDER** with respect to dismissal of a case by means of a Driving Safety Course program:

A. PROCESSING A REQUEST FOR DSC AT CASHIER'S WINDOW

The Court Clerk may process a request for a Driving Safety Course (DSC) from an adult Defendant at the Cashier's Window if the Defendant:

1. requests DSC unless the case is in Bench trial (BT), Jury Trial (JT or TA), Warrant Issued (WI), or a bond has previously been posted on the case;
2. files with the court a signed affidavit complying with all eligibility requirements for DSC as set forth in Sec. 45.0511(c)(3) of the Texas Code of Criminal Procedure;
3. provides valid proof of financial responsibility, pursuant to the Texas Transportation Code Chapter 601. The proof must list the Defendant as a covered driver, or be a parent's policy for Defendants under the age of 19;
4. presents a valid Texas Driver's License or permit that is not a commercial license or permit, or otherwise meets the requirements of art. 45.0511 (b)(2)(B);
5. pays the DSC fee appropriate for the age, status or type of the case.

B. PROCESSING A REQUEST FOR DSC MADE ONLINE OR BY MAIL

The Clerk may process a request for DSC made online or by mail if the Defendant presents the items listed in 2 through 4 above no later than the 90th day after the DSC fee is paid online or by mail.

C. PROCESSING A REQUEST FOR DSC MADE BY AN ATTORNEY

An attorney for a Defendant may request DSC at the Cashier's window for cases with a status of Attorney Docket (AD), subject to the same requirements as listed above for pro se defendants.

D. PROOF OF COMPLIANCE

The following requirements apply to dismissal of the case upon proof of compliance:

1. *Clerk may accept documents.* The Clerk may accept proof of completion of DSC if the Defendant presents:

- a. A certificate indicating timely completion of the driving safety course, which must be signed by the Defendant, indicate that it is the “court copy,” indicating the correct court designation, and have no alterations, modifications and/or erasures; AND
 - b. A driving record certified by the Texas Department of Public Safety which was issued after the offense date, indicates the Defendant’s license status is Eligible, and does not show that a driving safety course has been completed for the purpose of dismissing a moving violation within the twelve (12) months preceding the date of the current citation.
2. *Proof of Completion Incomplete.* If the Clerk files any document which is defective on its face, the Clerk shall notify the Defendant of the defect and instruct the Defendant to file corrected documents within 14 days or the before the end of the DSC period, whichever is later. The Clerk shall document in the Clerk Comments of the electronic case file which document was returned to the Defendant and which document was accepted for filing. A Defendant may appear at a scheduled docket and submit the documents to the court for its review.
 3. *Dismissal of case upon compliance.* If the Clerk receives sufficient proof of completion of the DSC, the Clerk shall note in the Clerk Comments of the electronic case file what documents were received for filing and route the case to the DSC dismissal (DSCD) queue. The Court shall dismiss the case if the Defendant has complied with all conditions as ordered by the Court.
 4. *Show cause hearing.* If the Defendant fails to provide evidence of successful completion of the DSC within the time period allowed, the Clerk shall enter a docket comment detailing the defect or omission, apply any fines and fees which were not charged during the DSC period, and set a proposed show cause hearing date. The court will review the case and may order the Defendant to appear and show cause why such evidence was not timely submitted. If the Defendant fails to appear at the hearing, the court will enter judgment and order any balance due to be paid by the thirtieth (30) day after the court’s judgment is signed.

E. CERTAIN VIOLATIONS AVAILABLE FOR DSC FOR DEFENDANTS UNDER 25

Under Code of Criminal Procedure 45.0511(a-1), certain offenses not found in Transportation Code Title 7, Subtitle C (Rules of the Road) are available for a DSC dismissal if the defendant is under 25 years of age. In addition to all other offenses available for DSC, a defendant who is under 25 years of age at the time of application may complete DSC for the following offenses:

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|---------------------------------------|--------------|
| 1. Violate DL restriction | TRC 521.221 |
| 2. DL – Code M violation | TRC 521.221 |
| 3. Leaving the scene | AMC 16-3-350 |
| 4. Improper turn – dual turning lanes | AMC 16-3-128 |


5. Disregard turn marks at intersection AMC 16-3-51
6. Open container in vehicle – Driver PC 49.031
7. DUI-Minor ABC 106.041

F. SEVERABILITY AND APPLICATION

1. If any provision of this standing order or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or application of this order, which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this standing order are severable.
2. A copy of this local rule shall be available in the courtroom of the Amarillo Municipal Court and on the City of Amarillo Municipal Court website, which may be accessed at <https://www.amarillo.gov/court>.
3. The standing order set forth herein is applicable to criminal proceedings heard in the Amarillo Municipal Court.

IT IS SO ORDERED.

Signed and Entered this 20th day of MARCH, 2022



Laura Hamilton
Presiding Judge