
Avoiding Jail Time for Traffic Tickets & Low-Level Violations

In Texas, unpaid fines, tickets and court costs (collectively called “fines” in this guide), can lead to your arrest—even when those fines resulted from traffic violations and the lowest level misdemeanors (called “Class C misdemeanors”). If you do not have enough money to pay your fines immediately, the court must offer you alternatives like community service or a monthly payment plan. *You should never be jailed for failing to pay fines that you cannot afford.* The following are some practical steps you can take to avoid arrest and jail time for unpaid fines.

At Your First Court Date or Trial...

- **Attend Court.** Show up to your court date even if you will not be able to pay your fines. Failure to appear at court will usually result in more fines and a warrant for your arrest.
- **Speak Up About Your Inability to Pay.** Fines in traffic and non-traffic Class C misdemeanor cases will vary depending on the offense and can range up to \$500, plus additional court costs up to \$110. If the judge orders you to pay an amount you cannot afford, tell the judge that you do not have enough money to pay.
- **Ask For a Fine Waiver.** The law allows the judge to waive all or part of your fines if you are too poor to pay them. Ask the judge to waive the fines, or if you can pay some but not all of a fine, ask for a payment plan. Tell the judge the amount you CAN pay per month.
- **Be Realistic.** Consider your available free time, childcare, and transportation options before asking for community service hours instead of paying the fine. Only ask for community service if you think you can and will realistically complete it on time. Failure to complete community service could also lead to arrest.
- **Bring Financial Documents to Court.** Come to court prepared to show proof of your (1) income (like pay stubs, W-2s, and proof of public benefits like social security, WIC, food stamps, TANF, Medicaid/CHIP, etc.); (2) expenses (like mortgage statements or rent invoices; utility bills; child care bills, etc.); and (3) assets (like bank statements, etc.).

After You've Left Court...

- **Monitor Your Case.** In many cities and counties, you can check online to see things like the amount you still owe, the status of your case, or whether a warrant has been issued for your arrest. You can always call the clerk of court to check on this information too.
- **Keep Communicating With the Court.** If you later find that you cannot pay your fines or keep up with your payment plan, call the court clerk immediately and ask to fill out an Application for Time Payment, Extension, or Community Service. On the form, select which option works best for you—a payment plan (“Time Payment”), paying in full at a later date (“Extension”), or community service.
- **Write Letters or Emails If Necessary.** If the clerk tells you there is no such form, write a letter to the judge explaining that you do not have enough money to pay your fines and requesting a hearing to explain why you cannot pay.
- **Do the Best You Can.** In the meantime, it is usually better to pay a little bit—even if it is something as low as \$5 per month—to show the judge you are trying to make payments.
- **Keep Track of Your Communications.** Ask the clerk to time-stamp a copy of every document you give to the court to keep in your files. You should also send the prosecutor a copy of every document you give to the court.
- **Bring Financial Documents to Court.** If a hearing is scheduled, come to court prepared to show proof of your income, expenses, and assets (see above for examples of how to do this).
- **Seek Legal Help if Needed.** If your requests for alternative payment methods are denied, you can contact Texas RioGrande Legal Aid (“TRLA”) or Texas Appleseed for legal assistance.

If A Warrant Is Issued For Your Arrest...

- **Contact the Court to Learn Your Options.** If a warrant has been issued, contact the clerk before heading to the courthouse to try to resolve the issue and ask the clerk whether you will be arrested there. In some counties and cities, you may be arrested at the court, even if you are there to make a payment.
- **Ask the Court for a Hearing.** Write a letter to the judge to request a hearing on your ability to pay and to explain your reasons for not paying. Ask the judge to recall the warrant until the hearing. If the court denies this request, you can seek legal assistance from TRLA or Texas Appleseed.
- **Be Cautious About Payments Before You Plead.** Some courts contract with law firms or collection agencies to collect unpaid fines, and you may receive letters from such firms threatening your arrest. Payment of any money to these agencies, like payment to the court, can be considered a guilty plea, potentially waiving your right to a trial or to contest the amount owed.

If You Are Arrested...

- **Ask for a Court-Appointed Lawyer.** Within at least 48 hours of your arrest (usually sooner), you will be taken before a magistrate judge. Request that the judge appoint a lawyer to represent you. It is unlikely the judge will do so, but it does not hurt to ask.
- **Speak Up About Your Inability to Pay.** The judge should tell you why you have been arrested and should ask about your ability to pay the fines before sentencing you to any further jail time. If the judge does not ask, tell the judge that your failure to pay the fines was not willful, because you did not have the money to pay them. If you were arrested for failing to complete community service, explain to the judge the reasons you failed to complete the community service and any hardship you experienced trying to complete it.
- **Ask for an Alternative Sentence.** You are NOT required to “sit out” or “lay out” fines in jail. By law, no person can be jailed for not paying fines that he or she is unable to pay. The court must offer you alternatives to jail time (like an extension of time to pay, a payment plan, community service, a reduction or waiver of the fines, etc.) if you are unable to pay. However, if you had enough money to pay the fines but simply refused to pay, the judge can order you to serve a jail sentence for credit of at least \$50 per day.

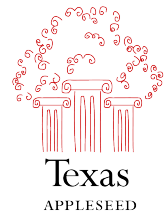
For Legal Help...

If you were arrested or jailed for fines you could not afford, or otherwise need help related to unpaid fines, you can contact TRLA or Texas Appleseed for legal assistance.

Stephanie Welch
Texas RioGrande Legal Aid
(TRLA)
(915) 585-5140
swelch@trla.org



Mary Mergler
Texas Appleseed
(512) 473-2800 x106
mmergler@texasappleseed.net



Nothing in this guide is meant to be legal advice, and the information is subject to change as new laws are passed. For legal assistance, contact an attorney.