



**CITY OF DENISON
MUNICIPAL COURT**

**ORDER NO. 20-0002
SECOND EMERGENCY ORDER REGARDING
THE COVID-19 STATE OF DISASTER**

WHEREAS, on the 16th day of March, 2020 this Court entered its First Emergency Order Regarding the COVID-19 State of Disaster, Order No. 20-0001 (“First Order”); and

WHEREAS, there has been significant economic impact and significant increase in unemployment since the date of the First Order; and

WHEREAS, THE BELOW ORDERS ARE EFFECTIVE UNTIL SIXTY (60) DAYS AFTER THE LATER OF THE ENDING DATES OF EMERGENCY ORDERS OF THE GOVERNOR OF THE STATE OF TEXAS, GRAYSON COUNTY TEXAS JUDGE, OR MAYOR OF THE CITY OF DENISON, TEXAS OR FURTHER ORDER OF THIS COURT EXTENDING THIS SECOND EMERGENCY ORDER REGARDING THE COVID-19 STATE OF DISASTER (“SECOND ORDER”).

WHEREAS, in consideration of the economic impact and significant increase in unemployment since the First Order of this Court and in consideration of the interest of justice and fairness to defendants as well as the financial condition of defendants, the Presiding Judge of the City of Denison Municipal Court has determined that this Second Order is necessary for the efficient administration of justice, for the protection of parties, jurors, the public, judges and staff, and hereby ORDERS as follows:

REQUESTS FOR EXTENSIONS OF TIME TO MAKE FULL PAYMENT FOR FINES

IT IS ORDERED THAT THE PRIOR STANDING ORDERS OF THIS COURT concerning EXTENSIONS are TEMPORARILY AMENDED to require a defendant to request an extension for payment of fines by providing a written request for an extension either by email or mail to the Municipal Court Clerk, together with a copy of said defendant’s driver’s license or other federally or state recognized photo identification. Upon receipt of the required documentation above by the Municipal Court, defendant will be TEMPORARILY GRANTED UP TO SIXTY (60) DAYS FROM THE DATE OF THE CITATION TO PAY THEIR FINE AND COURT COSTS IN FULL, OR TO REQUEST A PAYMENT PLAN.

TIME SERVED AND JAIL CREDIT

IT IS ORDERED THAT THE PRIOR STANDING ORDERS OF THIS COURT concerning Time Served in Jail Credit are temporarily amended to allow the Municipal Court Clerk to grant time served jail credit for each eight (8) hours spent in the City of Denison Jail, at the temporary Time Served in Jail Credit rate of \$225.00 per eight (8) hours of Time Served in the City of Denison Jail.

IT IS FURTHER ORDERED THAT if defendant provides proof of incarceration in writing, by email or mail, after the date of issuance of a City of Denison Citation(s) in the Texas Department of Corrections or a Federal Penitentiary to the Municipal Court Clerk, or if the Municipal Court Clerk can verify incarceration in the Texas Department of Corrections or a Federal Penitentiary by other verification process, the Municipal Court Clerk shall prepare the order(s) granting Time Served for the Municipal Judge to review for approval and signature. The defendant may include a picture of the supporting documents taken with their phone or other device and attach the documentation to an email in a format that is readable by the Municipal Court Clerk.

PAYMENT PLAN RATES

IT IS ORDERED THAT THE PRIOR STANDING ORDERS OF THIS COURT concerning ANY PAYMENT PLAN is TEMPORARILY AMENDED to allow the Municipal Court Clerk to PREPARE ANY NEW PAYMENT PLAN AND TO EXTEND THE DUE DATE ON ANY EXISTING PAYMENT PLAN AND REDUCE THE AMOUNT OF THE MONTHLY PAYMENT REQUIRED UNDER ANY EXISTING AND/OR NEWLY REQUESTED PAYMENT PLAN AFTER THE ABOVE SIXTY (60) DAY EXTENSION PERIOD AS FOLLOWS:

- 1) Upon request of a defendant in writing by email or mail, any payment due date may be extended by the Municipal Court Clerk UNTIL SIXTY (60) DAYS AFTER THE LATER OF THE ENDING DATES OF EMERGENCY ORDERS OF THE GOVERNOR OF THE STATE OF TEXAS, GRAYSON COUNTY, TEXAS JUDGE, OR MAYOR OF THE CITY OF DENISON, TEXAS, OR FURTHER ORDER OF THIS COURT EXTENDING THIS SECOND ORDER.**
- 2) If the current balance due to the City of Denison Municipal Court is \$250.00 or less, the monthly payment amount may be reduced to \$20.00 upon request of a defendant in writing by email or mail to the Municipal Court.**
- 3) If the current balance due to the City of Denison Municipal Court is between \$251.00 and \$500.00, the monthly payment amount may be reduced to \$35.00 upon request of a defendant in writing by email or mail to the Municipal Court.**
- 4) If the current balance due to the City of Denison Municipal Court is between \$501.00 and \$1,000.00, the monthly payment amount may be reduced to \$50.00 upon request of a defendant in writing by email or mail to the Municipal Court.**

- 5) If the current balance due to the City of Denison Municipal Court is greater than \$1,000.00, the monthly payment amount may be reduced to \$75.00 upon request of a defendant in writing by email or mail to the Municipal Court.

IT IS FURTHER ORDERED THAT THE REDUCED PAYMENT PLAN RATES FOR EXISTING AND/OR NEWLY CREATED PAYMENT PLANS WHERE THE DEFENDANT REQUESTS A MONTHLY PAYMENT RATE THAT IS LESS THAN THE RATES IN THE CURRENT STANDING ORDERS OF THIS COURT WILL REMAIN IN EFFECT FOR THE LATER OF SIX (6) MONTHS FROM THE DATE OF THIS ORDER OR SIX (6) MONTHS AFTER THE ENDING DATES OF EMERGENCY ORDERS OF THE GOVERNOR OF THE STATE OF TEXAS, GRAYSON COUNTY TEXAS JUDGE, OR MAYOR OF THE CITY OF DENISON, TEXAS OR FURTHER ORDER OF THIS COURT EXTENDING THIS SECOND ORDER.

REQUESTS FOR EXTENSIONS OF TIME TO COMPLETE COMMUNITY SERVICE

IT IS ORDERED THAT THE TIME FOR COMPLETION OF ALL HOURS OF COMMUNITY SERVICE UNDER CURRENT ORDERS FOR COMMUNITY SERVICE ARE EXTENDED UNTIL NINETY (90) DAYS AFTER THE LATER OF THE ENDING DATES OF EMERGENCY ORDERS OF THE GOVERNOR OF THE STATE OF TEXAS, GRAYSON COUNTY TEXAS JUDGE, OR MAYOR OF THE CITY OF DENISON, TEXAS OR FURTHER ORDER OF THIS COURT EXTENDING THIS SECOND ORDER.

REQUESTS FOR A FINDING OF INDIGENCY OR INABILITY TO PAY FINES AND COSTS

IT IS ORDERED that for all defendants who allege that they have the inability to pay as a result of the economic impact or who are claiming that their income is below One-Hundred-Twenty-Five Percent (125%) of the Federal Poverty Level; that the defendant provide the court a signed copy of the Municipal Court's Financial Information Sheet by email or mail and include any documents evidencing their current receipt of any of the following government programs in support of their claim of indigency:

- 1) Proof of Unemployment Benefits;
- 2) Proof of Supplemental Security Income (SSI);
- 3) Proof of Receipt of Food Stamps/SNAP;
- 4) Proof of Receipt of Public Housing Assistance or Section 8 Housing;
- 5) Proof of Receipt of Medicaid Benefits;
- 6) Proof of Receipt of Temporary Assistance for Needy Families (TANF);
- 7) Proof of Receipt Benefits for Women, Infants, Children Food and Nutrition Services (WIC);
- 8) Proof of Children's Health Insurance Program (CHIP);
- 9) Proof of Needs-based VA Pension;
- 10) Proof of Telephone Lifeline;
- 11) Proof of Low Income Energy Assistance;
- 12) Proof of Community Care via Texas Department of Aging and Disability Services (DADS);

- 13) Proof of Aid to the Aged, Blind, and Disabled (AABD);
- 14) Proof of Low Income Assistance in Medicare (LIS);
- 15) Proof of Child Care Assistance under Child Care and Development Block Grant;
- 16) Proof of Worker's Compensation Benefits;
- 17) Documentation of receipt of any other government assistance programs being received by the defendant for low income individuals;
- 18) Proof of any Medical, Emotional, Mental, or Psychological condition or diagnosis that affects the defendant's ability to pay, including medical records, counselor's notes, or recent applications for any of the above benefits.

The Defendant may provide a picture of the supporting documents with their phone or other device and attach the documentation to an email in a format that is readable by the Municipal Court Clerk. The Financial Information Sheet may be signed by the defendant in the presence of a Notary by using Video Conferencing as allowed in the Governor of the State of Texas recent Executive Order, as long as the Executive Order is in Effect.

UPON RECEIPT OF THE ABOVE INFORMATION AND THE SWORN FINANCIAL INFORMATION SHEET, THE MUNICIPAL COURT CLERK WILL PRESENT THE ABOVE INFORMATION TO THE PRESIDING JUDGE FOR REVIEW AND CONSIDERATION. IF, BASED ON THE INFORMATION PROVIDED BY THE DEFENDANT, THE PRESIDING JUDGE FINDS THAT THE DEFENDANT IS INDIGENT WITHOUT THE NECESSITY OF A HEARING, THE MUNICIPAL COURT CLERK WILL PREPARE THE ORDERS FOR FINDING THE DEFENDANT INDIGENT AND PRESENT THE ORDERS TO THE PRESIDING JUDGE FOR REVIEW AND SIGNATURE. IF THE COURT FINDS THAT A HEARING IS NECESSARY, A HEARING MAY BE HELD BY ZOOM AS SET FORTH BELOW.

REQUESTS FOR HEARINGS BY ZOOM VIDEO CONFERENCE

ANY DEFENDANT REQUESTING A HEARING BEFORE THIS COURT BEFORE THE LATER OF SIXTY (60) DAYS AFTER THE ENDING DATES OF EMERGENCY ORDERS OF THE GOVERNOR OF THE STATE OF TEXAS, GRAYSON COUNTY TEXAS JUDGE, OR MAYOR OF THE CITY OF DENISON, TEXAS, OR FURTHER ORDER OF THIS COURT EXTENDING THIS SECOND ORDER MAY REQUEST A HEARING BEFORE THE COURT BY PHONE OR HEARING USING THE ZOOM VIDEO CONFERENCE APPLICATION. THE DEFENDANT SHALL MAKE THE REQUEST FOR HEARING IN WRITING BY EMAIL OR MAIL TO THE MUNICIPAL COURT. THE PRESIDING JUDGE, IN COORDINATION WITH THE COURT ADMINISTRATOR, WILL SET THE TIME AND DATE FOR HEARING BY ZOOM VIDEO CONFERENCING. THE MUNICIPAL COURT CLERK WILL NOTIFY THE DEFENDANT OF THE TIME AND DATE FOR THE ZOOM VIDEO COFERENCING HEARING AND PROVIDE DETAILS ON HOW TO ATTEND THE HEARING BY VIDEO CONFERENCING IN THE NOTICE TO THE DEFENDANT.

The Court Administrator of the City of Denison, Municipal Court is ORDERED TO:

- 1) Post a copy of this Order on the City of Denison, Texas Website;

- 2) File a copy of this Order with the Office of Court Administration;
- 3) Provide an electronic or mail copy to any defendant upon their request for information about this order.

SIGNED and entered this 17th Day of April 2020.

/S/ Donald M. Banman

DONALD M. BANMAN
Presiding Judge
City of Denison, Texas
Municipal Court