

# Duties of a Justice of the Peace

The Justice of the Peace Court is a constitutional office whose origins date back to the early days of Texas statehood. Justice of the Peace courts have original jurisdiction in Class C offenses. These courts also have jurisdiction of minor civil matters. A Justice of the Peace may issue search or arrest warrants, and may serve as the coroner in counties where there is no provision for a medical examiner. These courts also function as small claims courts. The Justices are elected to a four-year term of office by the voters residing in that precinct. Additionally, Justices of the Peace are required by law to complete an 80-hour course covering the proper execution of that office's duties the first time they serve. After that, they must complete twenty hours of relevant coursework per year.

The following is a partial list of the functions that these courts oversee:

## Magisterial Duties

- Determines probable cause, issues arrest warrants, issues both adult and juvenile statutory warnings, and conducts bail examinations for arrested persons.
- Determines whether there is reasonable probability of a judgment being rendered against a person as a result of an accident while operating a motor vehicle without insurance.
- Conducts reviews for sufficiency and issuance of search warrants.
- Conducts magistrations (Miranda Rights) for both adult and juveniles.
- Issues emergency protective orders.
- Reviews applications for emergency detention and issues mental health and chemical dependency warrants.
- Conducts hearings concerning the disposition of stolen property.
- Conducts handgun license denial hearings.
- Conducts driver's license suspension hearings.
- Conducts death investigations and orders autopsies.
- As a local registrar of vital statistics and death certificates are completed, registered and recorded and sent to the State Bureau of Vital Statistics.
- Conducts towing hearings.
- Conducts review for sufficiency and issuance of warrants to seize cruelly treated animals.
- Conducts hearings to determine disposition of animals.
- Conducts hearings to review dangerous dog determination.
- Serves as Ex Officio Notary Public of their counties.

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## Administrative Duties

- Performs marriage ceremonies.
- Handles and collects fees, fines and court costs.
- Manages bank deposits.
- Prepares report for auditor and treasurer.
- Supervises employees.
- Prepares correspondence to defendant and parties to litigation as required by statute.

## Criminal Jurisdiction

- Reviews and files citation issued and complaints filed by local law enforcement agencies, including constable, Sheriff, Department of Public Safety, Texas Parks and Wildlife, Texas Alcoholic Beverage Commission, etc.
- Reviews request for driving safety courses, files complaints for failure to appear and issues warrants, conducts show cause hearings, dismisses cases, or imposes judgments.
- Reviews documents in connection with charges of no insurance, expired driver's license, expired registration, and expired inspection.
- Undertakes efforts to satisfy judgments, issues *capias pro fines*, conducts indigency hearings.
- Collects restitution.
- Handles failure to attend school offenses, disorderly conduct, minor in possession, and other offenses against juveniles.
- Handles parent contributing to non-attendance of school cases.

## Civil Jurisdiction

- Files petitions instituting civil action within the jurisdiction of Justice Court.
- Files petitions instituting proceedings to enforce deed restrictions.
- Files petitions instituting evictions from residential and commercial properties.
- Files petitions instituting civil action within the jurisdiction of *Small Claims Court* and *Justice Court* which have a maximum "amount of controversy" of \$10,000.00 exclusive of interest and court cost.
- Issues writs of possession, garnishment, attachment, sequestration and writs of reentry.
- Presides over suits involving the enforcement of a deed restriction for a residential subdivision