



City of San Antonio

Agenda Memorandum

File Number:
{{item.tracking_number}}

Agenda Item Number: 2

Agenda Date: June 21, 2024

In Control: Municipal Court Advisory Committee

DEPARTMENT: Municipal Courts

DEPARTMENT HEAD: Carla Obledo

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Department of Public Safety (DPS) Interlocal Cooperation Contract (ICC) - Failure to Appear Program

SUMMARY:

Briefing by the Municipal Court on the use of the OmniBase Services Failure to Appear Program and contract status.

BACKGROUND INFORMATION:

The Failure to Appear (FTA) Program was approved by the Texas Legislature in 1995 during the 74th Legislative Session. It authorizes the Texas Department of Public Safety to contract with private entities to establish a statewide traffic warrant database. This database is used to deny the renewal of a driver's license for individuals who fail to appear in court or pay a fine. OmniBase Services administers this program for DPS. The FTA Program was established to help cities and counties manage the significant financial and personnel burden of ensuring court appearances for

traffic offenders.

The San Antonio Municipal Court has used the OmniBase Services FTA program since 1997 to fulfill its duty of administering justice through case resolution and processing. It is the court's duty to close criminal cases and enforce compliance with state law. When the Court notifies DPS that an individual has failed to appear for a criminal violation, OmniBase Services sends two notices to the violator: advising them of their driver's license renewal hold and the need to contact the Court for resolution. Online search and phone services are available for inquiries. Additional efforts by the court, including postcards and text messages, are made to encourage appearances before reporting failures to appear to DPS.

The court uses the following methods to notify individuals who do not appear in court:

- Text messages
- Emails
- Resetting court dates and sending mailed notices
- Mailing or emailing pre-warrant letters before issuing a warrant

The program applies only to Texas license holders and does not suspend the license. It excludes holders of Texas ID cards, out-of-state licenses, and unlicensed drivers. Drivers may still apply for an occupational license. The program is intended for failures to appear, not failures to pay fines.

Changes by HB 291 from the 88th Legislative Session required DPS to revise the FTA contract to require political subdivisions to immediately release the hold on a driver's license renewal upon a court finding of indigency. This requires the City of San Antonio to execute a new Interlocal Cooperation Contract (ICC) with DPS if the Court will continue OmniBase.

ISSUE:

Briefing and possible action on the use of the OmniBase Services Failure to Appear Program and contract status.

FISCAL IMPACT:

Per statute, upon notifying DPS of a failure to appear, a person is required to pay a \$10 reimbursement fee. Upon payment, the city retains \$4, and OmniBase Services receives \$6. If the person is found to be indigent, the reimbursement fee is waived, and the driver's license hold is released.

ALTERNATIVES:

Alternatives to the program will be discussed by the Committee.

RECOMMENDATION:

Municipal Court recommends the Municipal Court Advisory Committee forward the agreement to full Council for consideration and possible approval at an upcoming A Session. Failure to renew the ICC would restrict the City's ability to hold individuals accountable for their citations if they

fail to appear. Non-compliance would increase the court's case backlog and diminish public trust and confidence in the Court, conflicting with judicial economy and best practices. The burden on court resources, work time, and postage, currently provided by OmniBase Services, would increase.