



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

April 5, 1988

Mr. Bob Sawyer
Manager
Tax Fraud Section
Audit Division
Comptroller of Public Accounts
LBJ State Office Building
Austin, Texas 78774

LO-88-37

Dear Mr. Sawyer:

You ask several questions about misdemeanor jurisdiction. Your first question is whether article 4.14 of the Code of Criminal Procedure gives municipal courts jurisdiction of misdemeanors punishable by fine only where the fine does not exceed \$500.00. Article 4.14 provides, in part, that all municipal courts

shall have concurrent jurisdiction with any justice of the peace in any precinct in which the city, town or village is situated in all criminal cases arising under the criminal laws of this State, in which punishment is by fine only, and where the maximum of such fine may not exceed \$500, and arising within such corporate limits.

Therefore, a municipal court has jurisdiction over misdemeanors punishable by a maximum fine of \$500 if the misdemeanor arose in the city, town, or village in which the municipal court has jurisdiction.

You also ask the following question:

Do justice of the peace courts now have jurisdiction where the fine imposed exceeds \$200?

Article V, section 19, provides:

Justice of the peace courts shall have original jurisdiction in criminal matters of misdemeanor cases punishable by fine only,

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exclusive jurisdiction in civil matters where the amount in controversy is two hundred dollars or less, and such other jurisdiction as may be provided by law. Justices of the peace shall be ex officio notaries public.

A previous version of article V, section 19, limited the jurisdiction of justice of the peace courts to criminal cases punishable by a fine of not more than \$200, but that jurisdictional limit was eliminated by a 1985 amendment to the constitution. Acts 1985, 69th Leg., S.J.R. No. 14, §7.

Very truly yours,



Sarah Woelk
Assistant Attorney General
Opinion Committee

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