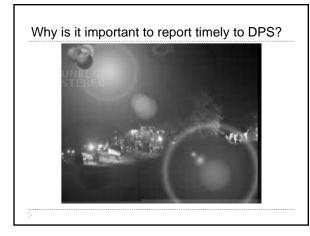
ON THE RECORD communicating with DPS



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# What do we report to DPS?

- Alcoholic Beverage Code
- ▶ Penal Code
- Health and Safety
- Transportation Code
- Education Code
- New Trials
- Appeals
- Forms



# ALCOHOL BEVERAGE CODE

 Convictions-Possession, purchase, attempt to purchase, consumption of alcohol by a minor, or



misrepresentation of age by a minor

# ALCOHOL BEVERAGE CODE

- Mandatory DL suspension
- Suspension effective on 11<sup>th</sup> day after judgment
- ▶ First conviction 30 days
- Second conviction (charge enhanced to allege prior conviction) – 60 days
- Third offense 180 days (no jurisdiction)
- Report order on DIC-15

# ALCOHOL AND BEVERAGE CODE

- Failure to complete alcohol awareness course & community service
  - Mandatory DL suspension
    - For a period not to exceed six months
    - For a period not to exceed one year (offense filed as second or subsequent)

# ALCOHOL AND BEVERAGE CODE

- Judge orders
- Clerk reports court order on DIC-15
- Must indicate beginning and ending date of suspension period

# ALCOHOL AND BEVERAGE CODE

DUI

- Acquittal
- Report to DPS
- Report on DIC-15



# PENAL CODE

- Public Intoxication (person under age 21)
  - Punishment same as ABC offense
  - Mandatory DL suspension
  - Alcohol awareness course required
  - Community Service required
  - See ABC information on reporting

# PENAL CODE

 Possession of Alcoholic Beverage in Motor Vehicle



- Report like a traffic conviction
- Report electronically (DPS code 3323) or use DR-18

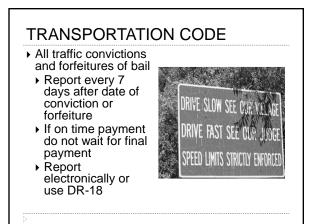
# PENAL CODE

- Theft of gasoline
  - Loss of less than \$50 (jurisdiction)
  - Court required to enter an affirmative judgment on first conviction
  - Court required to enter a special affirmative judgment on second conviction
  - Report like traffic electronically (DPS code: 3206) or use DR-18 form

# HEALTH AND SAFETY CODE

- Failure to complete tobacco awareness program
  - Mandatory DL suspension or denial
     Suspension not to
  - exceed six months Court orders suspension
  - Clerks report court order on DIC-15





#### DPS CODES

- Greater than 10 % above posted limit – Use DPS code 3586
   Speeding in a school
- Speeding in a school zone – Use DPS code 3596

Driving while license suspended- Use DPS code 3101 New Violations (Cell Phone Law) - Use 0000 until DPS assigns a code



# TRANSPORTATION CODE

- Form of report for convictions & forfeitures
  - Name, address, physical description, race, or ethnicity, date of birth, DL number;
  - Registration number
  - Date and nature of offense
  - Date of conviction
  - Amount of fine or forfeiture
  - If a search was conducted and if consent was given

# ADDRESSES

 Automated reports
 Manual reports Texas Department Texas Department of Public Safety of Public Safety Driver Driver Records/Data Records/Ticket Submission Verification P.O. Box 4087 P.O. Box 4087 Austin, Texas, Austin, Texas 78773-0364 78773-0361

# Email Conviction Notices to

data.submission@txdps.state.tx.us

# To Correct an Error

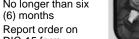
▶ Use DPS **Correction Form** 

Fax to (512) 424-5809

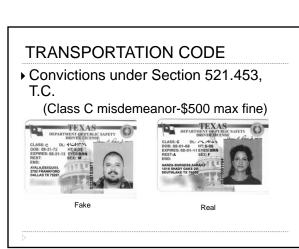


#### TRANSPORTATION CODE Passing School Bus Loading or Unloading **School Bus** Children Second or Subsequent conviction EMERGENCY DOOR Court may order DL

suspension No longer than six



Report order on DIC-15 form



 Selling, manufacturing, distributing, or possessing a document that is deceptively similar to a driver's license or a personal identification certificate issued by DPS unless the document displays the statement "NOT A GOVERNMENT DOCUMENT" diagonally printed clearly and indelibly on both the front and back of the document in solid red capital letters at least one-fourth inch in height.

## TRANSPORTATION CODE

• Conviction under Section 521.453, T.C.

- Automatic DL suspension
- Court may require surrender of DL
  - Clerk must send the DL with a report of the conviction to DPS by 10<sup>th</sup> after license surrendered
  - Court orders suspension
  - Suspension period: not less than 90 days or more than one year
  - Clerk reports suspension on DIC-21 form

## TRANSPORTATION CODE

- Nonresident Violator Compact (NRVC)
  - For FTA or FTP
  - Six part form
    - Mail first to defendant, wait 15 days
    - If no response, mail second and third pages of form to DPS
    - When defendant disposes of case, mail fourth page (defendant's receipt) to defendant
    - Mail fifth copy to DPS (notice of withdrawal of suspension)
    - Keep sixth part in case file
  - Must report within six months

# NRVC EXEMPTIONS

- Moving violations that carry a suspension
- Equipment violations
- Motor carrier violations
- Lease law violationsRegistration law
- violations
- Offenses requiring a personal appearance
- Size and weight limit violations
- Parking or standing violations
- Transporting hazardous material violations

# TRANSPORTATION CODE

- Prohibited Report
  - Traffic cases completing deferred disposition
  - If defendant fails to complete deferred and does not appeal, report traffic conviction



# TRANSPORTATION CODE

- Failure to report convictions and bond forfeitures
  - May be removed from office
  - Failure constitutes misconduct in office (TC 543.206)



### EDUCATION CODE • Failure to Attend School Offense • DL suspension or denial sanction (discretionary with

- judge) • For a period not to exceed 365 days
- Use DIC-15 form



# S.B. 1056 passed 2009

 Non-disclosure under 411.081 (f-1) and (j) of the Government Code

# REPEALED

- H.B. 961 Confidentiality of Juvenile Records
- No longer sending to DPS
- Expressly excludes traffic offenses from confidentiality rule
- Effective immediately and is retroactive to all juvenile convictions

Still does not cover deferred dispositions

#### NEW TRIAL

- Do not report if new trial granted
- If second trial results in conviction of a traffic offense or an Alcoholic Beverage Code offense, report

## APPEAL

- Do not report
- If county court refuses jurisdiction of traffic or Alcoholic Beverage Code conviction and sends the case back, report

# FAILURE TO APPEAR

- Defendant under age 17 fails to appear, court:
- May order DPS to suspend or deny issuance of DL
- Must submit report within 2 years of FTA
- Suspension or denial effective until person complies
- Report on DIC-81
- Report on DIC-81 when defendant fully complies

# FAILURE TO PAY OR VIOLATION OF A COURT ORDER

- Person under age 17
- Applies to All offenses
- Court conducts contempt hearing
- If court retains jurisdiction of contempt under Article 45.050, C.C.P., Court:
  - May order DL suspended or denied until defendant complies
     Report on DIC-81
  - Report when defendant fully complies
    - Reported on DIC-81

#### DIRECT CONTACT FOR DPS REPORTING

Darin Koch
 Texas Department of Public Safety
 Conviction Reporting
 512-424-5966 work
 512-424-2031 work
 Darin.Koch@txdps.state.tx.us

COURT STAFF ONLY-NOT FOR THE PUBLIC

# H.B. 2730 passed in 2009

- Article 15 made changes relating to the surcharge program and defendants who claimed indigent
- ▶ Taking effect 9-1,2011
- DPS is ready, but not releasing until January
- DPS must send 3 notices when surcharge is assessed



# THANK YOU 😳