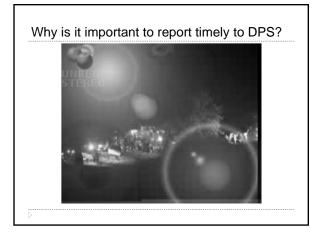
ON THE RECORD communicating with DPS



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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 11th 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

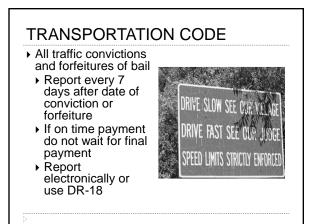
PENAL CODE

- 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

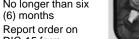
▶ Use DPS **Correction Form**

Fax to (512) 424-5809

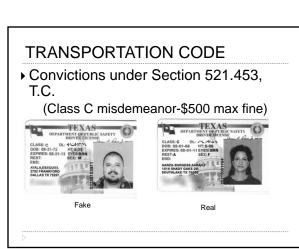


TRANSPORTATION CODE Passing School Bus Loading or Unloading **School Bus** Children Second or Subsequent conviction EMERGENCY DOOR Court may order DL

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 10th 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 😳