

Why is it important to report timely to DPS? http://youtu.be/dlz4frgR20w http://youtu.be/8pg2gZql7V4

# What do we report to DPS?

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



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# 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

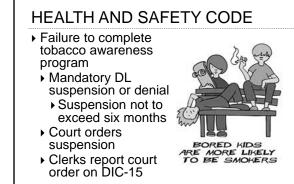
## PENAL CODE

- 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



- All traffic convictions and forfeitures of bail
  - Report every 7 days after date of conviction or forfeiture
  - If on time payment do not wait for final payment
  - Report electronically or use DR-18



#### DPS CODES

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

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
   Ma
- Texas Department of Public Safety Driver Records/Data Submission P.O. Box 4087 Austin, Texas, 78773-0364

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

Email Conviction Notices to

data.submission@txdps.state.tx.us

# To Correct an Error

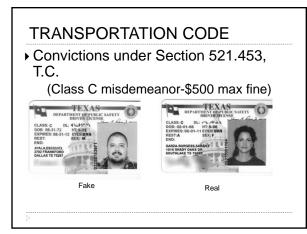
 Use DPS Correction Form

• Fax to (512) 424-5809



- Passing School Bus Loading or Unloading Children
  - Second or Subsequent conviction
  - Court may order DL suspension
    - No longer than six
       (6) months
    - 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.



- 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 violations
- Registration law violations
- Offenses requiring a personal appearance Size and weight limit
- violations
- Parking or standing violations
- Transporting hazardous material violations

- 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



#### 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

#### APPEAL

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

# 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 😳