

ON THE RECORD
communicating with DPS

Rosie Caballero, CCM, CCCII













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



BORED KIDS ARE MORE LIKELY TO BE SMOKERS

TRANSPORTATION CODE

- ▶ 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



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



TRANSPORTATION CODE

- ▶ 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



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

▶

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

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 😊

.....
