BILL ANALYSIS

BACKGROUND AND PURPOSE

Under current law, an applicant for deferred adjudication of a traffic offense, who completes a TEA-approved driver safety course to have the charge dismissed, must present the court with a copy of his or her driving record along with a certificate of completion of the course. In many cases, defendants complete the required course but either fail to order the driving record or do not receive it in a timely manner. This situation has created a backlog of cases in many courts.

House Bill 703 would give judges the option of obtaining the driving history of the applicant using TILETS, the Department of Public Safety's electronic database of driving histories, to which the courts already have access. The bill authorizes the court to collect a $10 fee, along with any other court costs, at the time of application to cover the cost. The bill requires the court to forward the total amount collected to the comptroller on behalf of DPS.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 703 amends Article 45.0511 of the Code of Criminal Procedure to authorize a court to require an applicant for dismissal of a charge through a driver safety course to pay a $10 fee, in addition to any other court costs, in order that the court may obtain the applicant's driving record from DPS. The bill requires that the court, upon finding that the applicant has not completed an approved driving safety or motorcycle operator-training course in the preceding 12 months, allow the applicant to take a course as provided by Article 45.0511. The bill also requires the custodian of the municipal or county treasury to keep an account of fees received and forward fees to the comptroller to be credited to DPS.

The bill provides that the new law applies only to offenses committed after September 1, 2005.

EFFECTIVE DATE

September 1, 2005