

By: Carona

S.B. No. 1083

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to authorizing a judge or justice of the peace to request  
3 and obtain a copy of certain defendants' driving records from the  
4 Department of Public Safety of the State of Texas using  
5 TexasOnline.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subsection (c-1), Article 45.0511, Code of  
8 Criminal Procedure, is amended to read as follows:

9 (c-1) In this subsection, "TexasOnline" has the meaning  
10 assigned by Section 2054.003, Government Code. As an alternative  
11 to receiving [presenting] the defendant's driving record [to the  
12 court] under Subsection (c)(2), the judge, at the time the  
13 defendant requests a driving safety course or motorcycle operator  
14 training course dismissal under this article, may require the  
15 defendant to pay a fee in an amount equal to the sum of the amount of  
16 the fee established by Section 521.048, Transportation Code, and  
17 the TexasOnline fee and, using TexasOnline, may request the Texas  
18 Department of Public Safety to provide the judge with [of \$10 for] a  
19 copy of the defendant's driving record that shows the information  
20 described by Section 521.047(b), Transportation Code. As soon as  
21 practicable and using TexasOnline, [the judge may obtain a copy of  
22 the driving record from] the Texas Department of Public Safety  
23 shall provide the judge with the requested copy of the defendant's  
24 driving record. The [~~\$10~~] fee authorized by [under] this

1 subsection is in addition to any other fee required under this  
2 article. If the copy of the defendant's driving record provided to  
3 the judge under this subsection shows that the defendant has not  
4 completed an approved driving safety course or motorcycle operator  
5 training course, as appropriate, within the 12 months preceding the  
6 date of the offense, the judge shall allow the defendant to complete  
7 the appropriate course as provided by this article. The custodian  
8 of a municipal or county treasury who receives fees collected under  
9 this subsection shall keep a record of the fees and, without  
10 deduction or proration, forward the fees to the comptroller, with  
11 and in the manner required for other fees and costs received in  
12 connection with criminal cases. The comptroller shall credit fees  
13 received under this subsection to the Texas Department of Public  
14 Safety.

15 SECTION 2. (a) The change in law made by this Act applies  
16 only to an offense committed on or after September 1, 2007.

17 (b) An offense committed before September 1, 2007, is  
18 covered by the law in effect when the offense was committed, and the  
19 former law is continued in effect for that purpose. For purposes of  
20 this subsection, an offense was committed before September 1, 2007,  
21 if any element of the offense was committed before that date.

22 SECTION 3. This Act takes effect September 1, 2007.