

1-1 By: Carona S.B. No. 1083
1-2 (In the Senate - Filed March 2, 2007; March 14, 2007, read
1-3 first time and referred to Committee on Criminal Justice; May 4, 2007,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 5, Nays 0; May 4, 2007, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1083 By: Whitmire

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to authorizing a judge or justice of the peace to request
1-10 and obtain a copy of certain defendants' driving records from the
1-11 Department of Public Safety of the State of Texas using
1-12 TexasOnline.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subsection (c-1), Article 45.0511, Code of
1-15 Criminal Procedure, is amended to read as follows:

1-16 (c-1) In this subsection, "TexasOnline" has the meaning
1-17 assigned by Section 2054.003, Government Code. As an alternative
1-18 to receiving [presenting] the defendant's driving record [to the
1-19 court] under Subsection (c)(2), the judge, at the time the
1-20 defendant requests a driving safety course or motorcycle operator
1-21 training course dismissal under this article, may require the
1-22 defendant to pay a fee in an amount equal to the sum of the amount of
1-23 the fee established by Section 521.048, Transportation Code, and
1-24 the TexasOnline fee and, using TexasOnline, may request the Texas
1-25 Department of Public Safety to provide the judge with [of \$10 for] a
1-26 copy of the defendant's driving record that shows the information
1-27 described by Section 521.047(b), Transportation Code. As soon as
1-28 practicable and using TexasOnline, [the judge may obtain a copy of
1-29 the driving record from] the Texas Department of Public Safety
1-30 shall provide the judge with the requested copy of the defendant's
1-31 driving record. The [\$10] fee authorized by [under] this
1-32 subsection is in addition to any other fee required under this
1-33 article. If the copy of the defendant's driving record provided to
1-34 the judge under this subsection shows that the defendant has not
1-35 completed an approved driving safety course or motorcycle operator
1-36 training course, as appropriate, within the 12 months preceding the
1-37 date of the offense, the judge shall allow the defendant to complete
1-38 the appropriate course as provided by this article. The custodian
1-39 of a municipal or county treasury who receives fees collected under
1-40 this subsection shall keep a record of the fees and, without
1-41 deduction or proration, forward the fees to the comptroller, with
1-42 and in the manner required for other fees and costs received in
1-43 connection with criminal cases. The comptroller shall credit fees
1-44 received under this subsection to the Texas Department of Public
1-45 Safety.

1-46 SECTION 2. (a) The change in law made by this Act applies
1-47 only to an offense committed on or after September 1, 2007.

1-48 (b) An offense committed before September 1, 2007, is
1-49 covered by the law in effect when the offense was committed, and the
1-50 former law is continued in effect for that purpose. For purposes of
1-51 this subsection, an offense was committed before September 1, 2007,
1-52 if any element of the offense was committed before that date.

1-53 SECTION 3. This Act takes effect September 1, 2007.

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