

## **BILL ANALYSIS**

Senate Research Center  
79R3406 JD-D

H.B. 703  
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Criminal Justice  
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Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Currently, an applicant for deferred adjudication of a traffic offense who completes a Texas Education Agency-approved driver safety course must present the court with a copy of their driving record along with a certificate of completion of the course to have the charge dismissed. However, many defendants either fail to order a copy of their driving record or do not receive it in a timely manner. This has created a backlog of cases in many courts.

H.B. 703 gives courts the option of obtaining a defendant's driving history using the Texas Department of Public Safety's electronic database as long as the court collects a \$10 fee to cover the cost of obtaining the record.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 45.0511, Code of Criminal Procedure, by amending Subsection (c) and adding Subsection (c-1), as follows:

(c) Requires the court to enter judgment on the defendant's plea of no contest or guilty at the time the plea is made, defer imposition of the judgment, and allow the defendant 90 days to successfully complete the approved driving safety course or motorcycle operator training course and present to the court, unless the judge proceeds under Subsection (c-1), the defendant's driving record maintaining certain information.

(c-1) Authorizes the judge, as an alternative to presenting the defendant's driving record to the court under Subsection (c)(2) and at the time the defendant requests a driving safety course or motorcycle operator training course dismissal under this article, to require the defendant to pay a fee of \$10 for a copy of the driving record and to obtain a copy of the driving record from the Texas Department of Public Safety (DPS). Provides that the \$10 fee under this subsection is in addition to any other fee required under this article. Requires the judge, if the defendant's driving record shows that the defendant has not completed an approved driving safety course or motorcycle operator training course, as appropriate, within the 12 months preceding the date of the offense, to allow the defendant to complete the appropriate course as provided by this article. Requires the custodian of a municipal or county treasury who receives fees collected under this subsection to keep a record of the fees and, without deduction, forward the fees to the comptroller of public accounts (comptroller), with and in the manner required for other fees and costs received in connection with criminal cases. Requires the comptroller to credit fees received under this subsection to DPS.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.