

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1371
By: Brown, J. E. "Buster"
Criminal Justice
3/30/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

In 1997, the legislature created the Failure to Appear program in which municipal courts are allowed to report persons who fail to appear in court to the Texas Department of Public Safety (department). The department, in turn, is allowed to turn those reports over to a third party vendor or contractor. A person so reported is denied renewal of the person's driver's license until the political subdivision notifies the department that there is no cause to continue to deny the renewal. C.S.S.B. 1371 amends provisions of the Transportation Code that pertain to the denial of the renewal of the person's driver's license under certain conditions.

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 Section 706.002(a), Transportation Code, to authorize a political subdivision to contract with the Department of Public Safety (department) to deny renewal of the driver's license of a person who fails to appear for a complaint or citation, rather than court order, or fails to pay or satisfy a judgment ordering payment of a fine and cost in the manner ordered by the court in a matter involving any offense that a justice or municipal court has jurisdiction of under Article 4.11 or 4.14, Code of Criminal Procedure. Deletes existing text regarding certain offenses.

SECTION 2. Amends Section 706.003(b), Transportation Code, to require the warning under Subsection (a) to state in substance that if the person fails to appear in court as provided by law for the prosecution of the offense or if the person fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner ordered by the court, the person may be denied renewal of the person's driver's license.

SECTION 3. Amends Section 706.004, Transportation Code, to authorize the department, if a political subdivision has contracted with the department, on receiving the necessary information from the political subdivision, to deny renewal of the person's driver's license for failure to appear based on a complaint or citation or for failure to pay or satisfy a judgment ordering the payment of a fine and cost in the manner ordered by the court in a matter involving an offense described by Section 706.002(a). Deletes existing text regarding the failure to appear based on a court order to pay a fine involving a violation of a traffic law. Deletes existing text citing Subdivisions (2), (3), and (4). Makes conforming changes.

SECTION 4. Amends Section 706.005, Transportation Code, to require a political subdivision to notify the department that there is no cause to continue to deny renewal of a person's driver's license based on the person's previous failure to appear or failure to pay or satisfy a judgment ordering the payment of a fine and cost in the manner ordered by the court in a matter involving an offense described by Section 706.002(a) on payment of a fee as provided by Section 706.006 and other certain conditions. Makes conforming changes.

SECTION 5. Amends Section 706.006(a), Transportation Code, to require the political subdivision, unless a person has been acquitted of the offense for which the person failed to appear for a complaint or citation involving a violation of an offense described by Section 706.02(a), to require the person to pay an administrative fee of \$30 for each violation reported to the department under this section. Makes conforming changes.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Differs from the original by amending previously proposed changes to provisions regarding a political subdivision's authority to contract with the Department of Public Safety established to deny renewal of certain person's driver's license.

SECTION 2. Differs from the original by amending previously proposed changes to provisions regarding a certain warning.

SECTION 3. Differs from the original by amending previously proposed changes to provisions regarding the denial of renewal of a driver's license.

SECTION 4. Differs from the original by amending previously proposed changes to provisions regarding certain notifications.

SECTION 5. Differs from the original by making conforming changes.

SECTIONS 6 - 7 No change.