

By: Dominguez

H.B. No. 198

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of parking privileges for people with disabilities; increasing criminal fines; authorizing a fee.

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

SECTION 1. Subchapter B, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.0512 to read as follows:

Art. 45.0512. DISABLED PARKING COURSE DISMISSAL PROCEDURES. (a) This article applies only to an alleged offense that:

(1) is within the jurisdiction of a justice court or a municipal court; and

(2) is defined by Section 681.011, Transportation Code.

(b) The judge may require the defendant to successfully complete a disabled parking course approved by the political subdivision in which the alleged offense occurred if:

(1) the defendant has not completed a disabled parking course approved by the political subdivision within the 12 months preceding the date of the offense; and

(2) the defendant enters a plea under Article 45.021 in person or in writing of no contest or guilty on or before the answer date on the notice to appear and:

(A) presents in person or by counsel to the court a request to take a course; or

1           (B) sends to the court by certified mail, return  
2 receipt requested, postmarked on or before the answer date on the  
3 notice to appear, a written request to take a course.

4           (c) The court shall enter judgment on the defendant's plea  
5 of no contest or guilty at the time the plea is made, defer  
6 imposition of the judgment, and allow the defendant 90 days to  
7 successfully complete the approved disabled parking course and  
8 present to the court:

9           (1) a certificate, in a form approved by the political  
10 subdivision that approved the course, of completion of the disabled  
11 parking course; and

12           (2) confirmation from the political subdivision in  
13 which the alleged offense occurred that the defendant was not  
14 taking a disabled parking course approved by that subdivision under  
15 this article on the date the request to take the course was made and  
16 had not completed such a course within the 12 months preceding the  
17 date of the offense.

18           (d) A request to take a disabled parking course made at or  
19 before the time and at the place at which a defendant is required to  
20 appear in court is an appearance in compliance with the defendant's  
21 promise to appear.

22           (e) In addition to court costs and fees authorized or  
23 imposed by a law of this state and applicable to the offense, the  
24 court may require a defendant requesting a course under Subsection  
25 (b) to pay an administrative fee set by the court to cover the cost  
26 of administering this article at an amount of not more than \$10.

27           (f) A defendant who requests but does not take a course is

1 not entitled to a refund of the fee.

2 (g) Fees collected by a municipal court shall be deposited  
3 in the municipal treasury. Fees collected by another court shall be  
4 deposited in the county treasury of the county in which the court is  
5 located.

6 (h) If a defendant requesting a course under this article  
7 fails to comply with Subsection (c), the court shall:

8 (1) notify the defendant in writing, mailed to the  
9 address on file with the court or appearing in the notice to appear,  
10 of that failure; and

11 (2) require the defendant to appear at the time and  
12 place stated in the notice to show cause why the evidence was not  
13 timely submitted to the court.

14 (i) If the defendant fails to appear at the time and place  
15 stated in the notice under Subsection (h), or appears at the time  
16 and place stated in the notice but does not show good cause for the  
17 defendant's failure to comply with Subsection (c), the court shall  
18 enter an adjudication of guilt and impose sentence.

19 (j) On a defendant's showing of good cause for failure to  
20 furnish evidence to the court, the court may allow an extension of  
21 time during which the defendant may present a certificate of course  
22 completion as evidence that the defendant successfully completed  
23 the disabled parking course.

24 (k) When a defendant complies with Subsection (c), the court  
25 shall remove the judgment and dismiss the charge.

26 (l) The court may dismiss only one charge for each  
27 completion of a course.

1       (m) An order of deferral under Subsection (c) terminates any  
2 liability under a bond given for the charge.

3       SECTION 2. Section 681.010, Transportation Code, is amended  
4 by adding Subsection (c) to read as follows:

5       (c) A charge filed under this section may be filed manually  
6 or in an electronically secure format.

7       SECTION 3. Section 681.0101, Transportation Code, is  
8 amended by adding Subsections (a-1) and (b-1) and amending  
9 Subsection (b) to read as follows:

10       (a-1) A charge filed under this section may be filed  
11 manually or in an electronically secure format.

12       (b) A person appointed under this section must:

13               (1) be a United States citizen of good moral character  
14 who has not been convicted of a felony;

15               (2) take and subscribe to an oath of office that the  
16 political subdivision prescribes; and

17               (3) successfully complete a training program of at  
18 least four hours in length developed or approved by the political  
19 subdivision.

20       (b-1) A training program described by Subsection (b) must  
21 include:

22               (1) information on laws governing parking for people  
23 with disabilities;

24               (2) information on the powers, rights, and  
25 responsibilities of a person appointed under this section;

26               (3) instructions directing a person appointed under  
27 this section not to confront suspected violators of laws governing

1 parking for people with disabilities; and  
2 (4) procedures to report suspected violations of laws  
3 governing parking for people with disabilities.

4 SECTION 4. Sections 681.011(g) and (k), Transportation  
5 Code, are amended to read as follows:

6 (g) Except as provided by Subsections (h)-(k), an offense  
7 under this section is a misdemeanor punishable by a fine of not less  
8 than \$500 or more than \$1,000 [~~\$750~~].

9 (k) If it is shown on the trial of an offense under this  
10 section that the person has been previously convicted four times of  
11 an offense under this section, the offense is punishable by a fine  
12 of \$1,650 [~~\$1,250~~] and 50 hours of community service.

13 SECTION 5. Sections 681.011(h), (i), and (j),  
14 Transportation Code, as amended by Chapters 1160 (H.B. 3095) and  
15 1336 (S.B. 52), Acts of the 81st Legislature, Regular Session,  
16 2009, are reenacted and amended to read as follows:

17 (h) If it is shown on the trial of an offense under this  
18 section that the person has been previously convicted one time of an  
19 offense under this section, the offense is punishable by:

20 (1) a fine of not less than \$500 or more than \$1,050  
21 [~~\$800~~]; and

22 (2) 10 hours of community service.

23 (i) If it is shown on the trial of an offense under this  
24 section that the person has been previously convicted two times of  
25 an offense under this section, the offense is punishable by:

26 (1) a fine of not less than \$550 or more than \$1,050  
27 [~~\$800~~]; and

1           (2) 20 hours of community service.

2           (j) If it is shown on the trial of an offense under this  
3 section that the person has been previously convicted three times  
4 of an offense under this section, the offense is punishable by:

5           (1) a fine of not less than \$800 or more than \$1,450  
6 [~~\$1,100~~]; and

7           (2) 30 hours of community service.

8           SECTION 6. The changes in law made by this Act apply only to  
9 an offense committed on or after the effective date of this Act. An  
10 offense committed before the effective date of this Act is governed  
11 by the law in effect on the date the offense was committed, and the  
12 former law is continued in effect for that purpose. For purposes of  
13 this section, an offense was committed before the effective date of  
14 this Act if any element of the offense occurred before that date.

15           SECTION 7. This Act takes effect on the 91st day after the  
16 last day of the legislative session.