

BILL ANALYSIS

C.S.S.B. 631
By: Harris
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, there are some ambiguities relating to the suspension of sentence and the deferral of adjudication in cases involving certain misdemeanor traffic offenses. C.S.S.B. 631 clarifies that judges retain full discretion to dismiss traffic offenses based on deferred disposition, except in certain offenses, that judges may impose a driving safety course on offenders, and that drivers retain the right to have a traffic offense dismissed, except in certain offenses. This bill also streamlines the procedures for taking a driving safety course, clarifies the costs of participating in the driving safety program and retains certain other conditions.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 631 amends the Criminal Procedure and Transportation codes relating to the suspension of sentence and the deferral of adjudication in cases involving certain misdemeanor traffic offenses. The bill specifies that an order of deferral, in a case in which a plea of guilty or nolo contendere has been entered or on a finding of guilt in a misdemeanor case punishable by fine only and payment of all court costs, terminates any liability under a bail bond or an appearance bond given for the charge. The bill also extends the judge's authority, during the deferral period, by allowing the judge to require the defendant to complete an approved driving safety course and to present to the court satisfactory evidence showing that the defendant has complied with each requirement imposed by the judge. These provisions do not apply to a traffic offense committed in a work zone or to an offense committed by a person who holds a commercial driver's license.

The bill requires the judge to require the defendant to successfully complete a course under the motorcycle operator training and safety program approved by the appropriate state agency if the defendant elects to do so and has not completed such a course within the preceding 12 months. The judge is further required to enter judgment on the defendant's plea at the time the plea is made, defer the imposition of the judgment, and allow the defendant 90 days to complete an approved course and to present to the judge a completion certificate and their driving record showing that the same course had not been completed within 12 months or begun on the same day as the plea was entered.

The bill also allows the court to require the defendant requesting an approved course to pay a fee in an amount not to exceed the maximum amount of the fine for the offense committed by the defendant. Upon the defendant's failing to comply with this provision, the court shall enter an adjudication of guilt and impose sentence.

Lastly, the bill requires notices to appear to inform defendants of their right to complete a driving safety or motorcycle operator training course.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the engrossed bill by specifying that an order of deferral, in a case in which a plea of guilty or nolo contendere has been entered or on a finding of guilt in a misdemeanor case punishable by fine only and payment of all court costs, terminates any liability under a bail bond or an appearance bond given for the charge. Furthermore, the substitute extends the judge's authority, during the deferral period, by allowing the judge to require the defendant to present to the court satisfactory evidence showing that the defendant has complied with each requirement imposed by the judge.