

By: Goolsby

H.B. No. 1371

A BILL TO BE ENTITLED

AN ACT

relating to the completion of a driving safety course as a condition of deferred disposition for a traffic offense.

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

SECTION 1. Subsections (b) and (c), Article 45.0511, Code of Criminal Procedure, are amended to read as follows:

(b) During the deferral period under Article 45.051, the justice:

(1) shall require the defendant to successfully complete a driving safety course approved by the Texas Education Agency if the defendant elects deferred disposition and the defendant has not completed an approved driving safety course or motorcycle operator training course, as appropriate, within the preceding six [~~12~~] months; and

(2) may require the defendant to successfully complete a driving safety course approved by the Texas Education Agency if the defendant has completed an approved driving safety course within the preceding six [~~12~~] months.

(c) Subsection (b)(1) applies only if:

(1) the person enters a plea in person or in writing of no contest or guilty and, before the answer date on the notice to appear:

(A) presents in person to the court an oral or written 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 (2) the court enters judgment on the person's plea of  
5 no contest or guilty at the time the plea is made but defers  
6 imposition of the judgment for 180 days;

7 (3) the person has a Texas driver's license or permit;

8 (4) the person is charged with an offense to which this  
9 article applies, other than speeding 25 miles per hour or more over  
10 the posted speed limit;

11 (5) the person provides evidence of financial  
12 responsibility as required by Chapter 601, Transportation Code;

13 (6) the defendant's driving record as maintained by  
14 the Texas Department of Public Safety shows the defendant has not  
15 completed an approved driving safety course or motorcycle operator  
16 training course, as appropriate, within the six [~~12~~] months  
17 preceding the date of the offense; and

18 (7) the defendant files an affidavit with the court  
19 stating that the person is not taking a course under this section  
20 and has not completed a course that is not shown on the person's  
21 driving record within the six [~~12~~] months preceding the date of the  
22 offense.

23 SECTION 2. (a) This Act takes effect September 1, 2003.

24 (b) The change in law made by this Act applies only to a  
25 defendant who on or after September 1, 2003, requests deferred  
26 disposition under Chapter 45, Code of Criminal Procedure. A  
27 defendant who before September 1, 2003, requests deferred

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1 disposition is covered by the law in effect when the request was  
2 made, and the former law is continued in effect for this purpose.