

BILL ANALYSIS

H.B. 781
By: Thompson
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under the current law, drivers who have commercial licenses would not fall under the Suspension of Sentence and Deferral of Final Disposition Rule (Sec 45.051 of the Code of Criminal Procedure). The current law restricts judges from deferring further proceedings without entering an adjudication of guilt and placing the defendant on probation for a period not to exceed 180 days to drivers with commercial license that commit an offense.

During the deferral period, the judge may, at the judge's discretion require the defendant to post a bond in the amount of the fine assessed to secure payment of the fine; pay restitution to the victim of the offense in an amount not to exceed the fine assessed; submit to professional counseling; submit to diagnostic testing for alcohol or controlled substance or drug; or submit to a psychosocial assessment.

H.B. 781 would extend deferral privileges to drivers with commercial licenses who commit non-moving offenses.

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

H.B. 781 amends Subsection (f) of Section 45.051 of Code of Criminal Procedure to extend deferral privileges to drivers with commercial licenses to fall under the jurisdiction of Section 45.051.

EFFECTIVE DATE

September 1, 2005.