

By: Elkins

H.B. No. 703

A BILL TO BE ENTITLED

AN ACT

relating to the deferral of adjudication in cases involving certain  
misdemeanor traffic offenses.

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

SECTION 1. Article 45.0511, Code of Criminal Procedure, is  
amended by amending Subsection (c) and adding Subsection (c-1) to  
read as follows:

(c) The court shall enter judgment on the defendant's plea  
of no contest or guilty at the time the plea is made, defer  
imposition of the judgment, and allow the defendant 90 days to  
successfully complete the approved driving safety course or  
motorcycle operator training course and present to the court:

(1) a uniform certificate of completion of the driving  
safety course or a verification of completion of the motorcycle  
operator training course;

(2) unless the judge proceeds under Subsection (c-1),  
the defendant's driving record as maintained by the Department of  
Public Safety showing that the defendant had not completed an  
approved driving safety course or motorcycle operator training  
course, as applicable, within the 12 months preceding the date of  
the offense; and

(3) an affidavit stating that the defendant was not  
taking a driving safety course or motorcycle operator training  
course, as applicable, under this article on the date the request to

1 take the course was made and had not completed such a course that is  
2 not shown on the defendant's driving record within the 12 months  
3 preceding the date of the offense.

4 (c-1) As an alternative to presenting the defendant's  
5 driving record to the court under Subsection (c)(2), the judge, at  
6 the time the defendant requests a driving safety course or  
7 motorcycle operator training course dismissal under this article,  
8 may require the defendant to pay a fee of \$10 for a copy of the  
9 driving record and the judge may obtain a copy of the driving record  
10 from the Texas Department of Public Safety. The \$10 fee under this  
11 subsection is in addition to any other fee required under this  
12 article. If the defendant's driving record shows that the  
13 defendant has not completed an approved driving safety course or  
14 motorcycle operator training course, as appropriate, within the 12  
15 months preceding the date of the offense, the judge shall allow the  
16 defendant to complete the appropriate course as provided by this  
17 article. The custodian of a municipal or county treasury who  
18 receives fees collected under this subsection shall keep a record  
19 of the fees and, without deduction, forward the fees to the  
20 comptroller, with and in the manner required for other fees and  
21 costs received in connection with criminal cases. The comptroller  
22 shall credit fees received under this subsection to the Texas  
23 Department of Public Safety.

24 SECTION 2. (a) The change in law made by this Act applies  
25 only to an offense committed on or after September 1, 2005.

26 (b) An offense committed before September 1, 2005, is  
27 covered by the law in effect when the offense was committed, and the

1 former law is continued in effect for that purpose. For purposes of  
2 this section, an offense was committed before September 1, 2005, if  
3 any element of the offense was committed before that date.

4 SECTION 3. This Act takes effect September 1, 2005.