

By: Elkins

H.B. No. 703

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

22 (3) an affidavit stating that the defendant was not
23 taking a driving safety course or motorcycle operator training
24 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.