

1-1 By: Elkins (Senate Sponsor - Lindsay) H.B. No. 703
1-2 (In the Senate - Received from the House May 2, 2005;
1-3 May 3, 2005, read first time and referred to Committee on Criminal
1-4 Justice; May 18, 2005, reported favorably by the following vote:
1-5 Yeas 5, Nays 0; May 18, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the deferral of adjudication in cases involving certain
1-9 misdemeanor traffic offenses.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Article 45.0511, Code of Criminal Procedure, is
1-12 amended by amending Subsection (c) and adding Subsection (c-1) to
1-13 read as follows:

1-14 (c) The court shall enter judgment on the defendant's plea
1-15 of no contest or guilty at the time the plea is made, defer
1-16 imposition of the judgment, and allow the defendant 90 days to
1-17 successfully complete the approved driving safety course or
1-18 motorcycle operator training course and present to the court:

1-19 (1) a uniform certificate of completion of the driving
1-20 safety course or a verification of completion of the motorcycle
1-21 operator training course;

1-22 (2) unless the judge proceeds under Subsection (c-1),
1-23 the defendant's driving record as maintained by the Department of
1-24 Public Safety showing that the defendant had not completed an
1-25 approved driving safety course or motorcycle operator training
1-26 course, as applicable, within the 12 months preceding the date of
1-27 the offense; and

1-28 (3) an affidavit stating that the defendant was not
1-29 taking a driving safety course or motorcycle operator training
1-30 course, as applicable, under this article on the date the request to
1-31 take the course was made and had not completed such a course that is
1-32 not shown on the defendant's driving record within the 12 months
1-33 preceding the date of the offense.

1-34 (c-1) As an alternative to presenting the defendant's
1-35 driving record to the court under Subsection (c)(2), the judge, at
1-36 the time the defendant requests a driving safety course or
1-37 motorcycle operator training course dismissal under this article,
1-38 may require the defendant to pay a fee of \$10 for a copy of the
1-39 driving record and the judge may obtain a copy of the driving record
1-40 from the Texas Department of Public Safety. The \$10 fee under this
1-41 subsection is in addition to any other fee required under this
1-42 article. If the defendant's driving record shows that the
1-43 defendant has not completed an approved driving safety course or
1-44 motorcycle operator training course, as appropriate, within the 12
1-45 months preceding the date of the offense, the judge shall allow the
1-46 defendant to complete the appropriate course as provided by this
1-47 article. The custodian of a municipal or county treasury who
1-48 receives fees collected under this subsection shall keep a record
1-49 of the fees and, without deduction, forward the fees to the
1-50 comptroller, with and in the manner required for other fees and
1-51 costs received in connection with criminal cases. The comptroller
1-52 shall credit fees received under this subsection to the Texas
1-53 Department of Public Safety.

1-54 SECTION 2. (a) The change in law made by this Act applies
1-55 only to an offense committed on or after September 1, 2005.

1-56 (b) An offense committed before September 1, 2005, is
1-57 covered by the law in effect when the offense was committed, and the
1-58 former law is continued in effect for that purpose. For purposes of
1-59 this section, an offense was committed before September 1, 2005, if
1-60 any element of the offense was committed before that date.

1-61 SECTION 3. This Act takes effect September 1, 2005.

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