

By: Keel

H.B. No. 1692

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the suspension of sentence and the deferral of final  
3 disposition for a defendant younger than 25 in certain misdemeanor  
4 traffic cases.

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

6 SECTION 1. Article 45.051, Code of Criminal Procedure, is  
7 amended by amending Subsections (b) and (d) and adding Subsections  
8 (b-1) and (d-1) to read as follows:

9 (b) During the deferral period, the judge may, at the  
10 judge's discretion, require the defendant to:

11 (1) post a bond in the amount of the fine assessed to  
12 secure payment of the fine;

13 (2) pay restitution to the victim of the offense in an  
14 amount not to exceed the fine assessed;

15 (3) submit to professional counseling;

16 (4) submit to diagnostic testing for alcohol or a  
17 controlled substance or drug;

18 (5) submit to a psychosocial assessment;

19 (6) participate in an alcohol or drug abuse treatment  
20 or education program;

21 (7) pay the costs of any diagnostic testing,  
22 psychosocial assessment, or participation in a treatment or  
23 education program either directly or through the court as court  
24 costs;

1           (8) complete a driving safety course approved under  
2 Chapter 1001, Education Code, [the Texas Driver and Traffic Safety  
3 Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)]  
4 or another course as directed by the judge;

5           (9) present to the court satisfactory evidence that  
6 the defendant has complied with each requirement imposed by the  
7 judge under this article; and

8           (10) comply with any other reasonable condition.

9           (b-1) If the defendant is younger than 25 years of age and  
10 the offense committed by the defendant is a traffic offense  
11 classified as a moving violation:

12                 (1) Subsection (b)(8) does not apply; and

13                 (2) during the deferral period, the judge shall  
14 require the defendant to complete a driving safety course approved  
15 under Chapter 1001, Education Code.

16           (d) If by the conclusion of the deferral period the  
17 defendant does not present satisfactory evidence that the defendant  
18 complied with the requirements imposed, the judge may impose the  
19 fine assessed or impose a lesser fine. The imposition of the fine  
20 or lesser fine constitutes a final conviction of the defendant.  
21 This subsection does not apply to a defendant required under  
22 Subsection (b-1) to complete a driving safety course approved under  
23 Chapter 1001, Education Code.

24           (d-1) If the defendant was required to complete a driving  
25 safety course under Subsection (b-1) and by the conclusion of the  
26 deferral period the defendant does not present satisfactory  
27 evidence that the defendant completed that course, the judge shall

1 impose the fine assessed. The imposition of the fine constitutes a  
2 final conviction of the defendant.

3 SECTION 2. Article 45.0511, Code of Criminal Procedure, is  
4 amended by amending Subsection (a) and adding Subsection (a-1) to  
5 read as follows:

6 (a) Except as provided by Subsection (a-1), this [~~This~~]  
7 article applies only to an alleged offense that:

8 (1) is within the jurisdiction of a justice court or a  
9 municipal court;

10 (2) involves the operation of a motor vehicle; and

11 (3) is defined by:

12 (A) Section 472.022, Transportation Code;

13 (B) Subtitle C, Title 7, Transportation Code; or

14 (C) Section 729.001(a)(3), Transportation Code.

15 (a-1) If the defendant is younger than 25 years of age, this  
16 article applies to any alleged offense that:

17 (1) is within the jurisdiction of a justice court or a  
18 municipal court;

19 (2) involves the operation of a motor vehicle; and

20 (3) is classified as a moving violation.

21 SECTION 3. (a) The change in law made by this Act applies  
22 only to an offense committed on or after September 1, 2005.

23 (b) An offense committed before September 1, 2005, is  
24 covered by the law in effect when the offense was committed, and the  
25 former law is continued in effect for that purpose. For purposes of  
26 this section, an offense was committed before September 1, 2005, if  
27 any element of the offense was committed before that date.

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