

By: Martinez Fischer

H.B. No. 3131

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the payment of court costs required in connection with  
3 the suspension of sentence and deferral of final disposition in  
4 certain misdemeanor 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 Subsection (a) and adding Subsection (a-1) to  
8 read as follows:

9 (a) On a plea of guilty or nolo contendere by a defendant or  
10 on a finding of guilt in a misdemeanor case punishable by fine only  
11 and, unless the judge elects to proceed under Subsection (a-1),  
12 payment of all court costs, the judge may, at the judge's  
13 discretion, defer further proceedings without entering an  
14 adjudication of guilt and place the defendant on probation for a  
15 period not to exceed 180 days. An order of deferral under this  
16 subsection terminates any liability under a bail bond or an  
17 appearance bond given for the charge.

18 (a-1) As an alternative to requiring a defendant charged  
19 with more than one traffic offense to make payment of all court  
20 costs as required by Subsection (a), the judge, in the judge's  
21 discretion, may:

22 (1) allow the defendant to enter into an agreement for  
23 payment of those costs in installments during the defendant's  
24 period of probation;

1           (2) require an eligible defendant to discharge all or  
2 part of those costs by performing community service under Article  
3 45.049; or

4           (3) take both actions authorized by Subdivisions (1)  
5 and (2).

6           SECTION 2. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2005.