

By: Talton

H.B. No. 3389

A BILL TO BE ENTITLED

AN ACT

relating to the dismissal of the charge in certain misdemeanor traffic cases in which the defendant takes appropriate and timely corrective measures.

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

SECTION 1. Section 502.404, Transportation Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) A justice of the peace or municipal court judge having jurisdiction of the offense may:

(1) dismiss a charge brought under Subsection (a) if the defendant remedies the defect before the defendant's first court appearance; and

(2) assess an administrative fee not to exceed \$20 when the charge is dismissed.

(g) A justice of the peace or municipal court judge having jurisdiction of the offense may:

(1) dismiss a charge brought under Subsection (b) if the defendant establishes that:

(A) the vehicle was issued a validation insignia for the license plates before the date of the offense; and

(B) the registration insignia was attached to the vehicle before the defendant's first court appearance; and

(2) assess an administrative fee not to exceed \$20 when the charge is dismissed.

SECTION 2. Section 502.407(b), Transportation Code, is amended to read as follows:

(b) A justice of the peace or municipal court judge having jurisdiction of the offense may:

(1) dismiss a charge of driving with an expired motor vehicle registration if the defendant:

(A) remedies the defect before the defendant's first court appearance ~~[not later than the 10th working day after the date of the offense]~~; and

(B) establishes that the fee prescribed by Section 502.176 has been paid; and

(2) assess an administrative fee not to exceed \$20 ~~[\$10]~~ when the charge is dismissed.

SECTION 3. Section 502.409, Transportation Code, is amended by adding Subsection (g) to read as follows:

(g) A justice of the peace or municipal court judge having jurisdiction of the offense may:

(1) dismiss a charge brought under Subsection (a)(3), (5), (6), or (7) if the defendant remedies the defect before the defendant's first court appearance; and

(2) assess an administrative fee not to exceed \$20 when the charge is dismissed.

SECTION 4. Section 521.026, Transportation Code, is amended to read as follows:

Sec. 521.026. DISMISSAL OF EXPIRED LICENSE CHARGE. ~~[(a)]~~ A justice of the peace or a municipal court judge having jurisdiction of the offense may:

1           (1) dismiss a charge of driving with an expired  
2     license if the defendant remedies the ~~[this]~~ defect before the  
3     defendant's first court appearance; and

4           (2) ~~[within 10 working days.~~

5           ~~[(b) The judge may]~~ assess the defendant an administrative  
6     fee not to exceed \$20 ~~[\$10]~~ when the charge ~~[of driving with an~~  
7     ~~expired driver's license]~~ is dismissed ~~[under Subsection (a)]~~.

8           SECTION 5. Section 521.054, Transportation Code, is amended  
9     by adding Subsection (g) to read as follows:

10          (g) A justice of the peace or municipal court judge having  
11     jurisdiction of the offense may:

12           (1) dismiss a charge arising from a violation of this  
13     section if the defendant:

14           (A) remedies the defect before the defendant's  
15     first court appearance; and

16           (B) establishes that any fee required by  
17     Subsection (e) has been paid; and

18           (2) assess an administrative fee not to exceed \$20  
19     when the charge is dismissed.

20          SECTION 6. Section 521.221, Transportation Code, is amended  
21     by adding Subsection (d) to read as follows:

22          (d) A justice of the peace or municipal court judge having  
23     jurisdiction of the offense may:

24           (1) dismiss a charge of driving in violation of a  
25     restriction under this section if:

26           (A) the restriction was imposed:

27           (i) because of a physical condition and

1 that condition was surgically or otherwise medically corrected  
2 before the date of the alleged offense; or

3 (ii) in error and that fact is established  
4 by the defendant; and

5 (B) the restriction is removed before the  
6 defendant's first court appearance; and

7 (2) assess an administrative fee not to exceed \$20  
8 when the charge is dismissed.

9 SECTION 7. Section 547.004, Transportation Code, is amended  
10 by adding Subsection (c) to read as follows:

11 (c) A justice of the peace or municipal court judge having  
12 jurisdiction of the offense may:

13 (1) dismiss a charge of an equipment violation brought  
14 under this chapter if the defendant remedies the defect before the  
15 defendant's first court appearance; and

16 (2) assess an administrative fee not to exceed \$20  
17 when the charge is dismissed.

18 SECTION 8. Section 548.605(b), Transportation Code, is  
19 amended to read as follows:

20 (b) The court shall:

21 (1) dismiss a charge of driving with an expired  
22 inspection certificate if:

23 (A) the defendant remedies the defect before the  
24 defendant's first court appearance [~~within 10 working days~~]; and

25 (B) the inspection certificate has not been  
26 expired for more than 60 days; and

27 (2) assess an administrative fee not to exceed \$20

1   [\$10] when the charge is dismissed [~~of driving with an expired~~  
2   ~~inspection certificate has been remedied~~].

3           SECTION 9. (a) The changes in law made by this Act apply  
4   only to an offense committed on or after January 1, 2006.

5           (b) An offense committed before January 1, 2006, is covered  
6   by the law in effect when the offense was committed, and the former  
7   law is continued in effect for that purpose. For purposes of this  
8   section, an offense was committed before January 1, 2006, if any  
9   element of the offense was committed before that date.

10          SECTION 10. This Act takes effect January 1, 2006.