

By: Carona

S.B. No. 1005

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), (b-2), (b-3), 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;

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; and

16                 (3) if the defendant holds a provisional license,  
17 during the deferral period the judge shall require that the  
18 defendant be examined by the Department of Public Safety as  
19 required by Section 521.161(b)(2), Transportation Code; a  
20 defendant is not exempt from the examination regardless of whether  
21 the defendant was examined previously.

22           (b-2) A person examined as required by Subsection (b-1)(3)  
23 must pay a \$10 examination fee.

24           (b-3) The fee collected under Subsection (b-2) must be  
25 deposited to the credit of a special account in the general revenue  
26 fund and may be used only by the Department of Public Safety for the  
27 administration of Chapter 521, Transportation Code.

1 (d) If by the conclusion of the deferral period the  
2 defendant does not present satisfactory evidence that the defendant  
3 complied with the requirements imposed, the judge may impose the  
4 fine assessed or impose a lesser fine. The imposition of the fine  
5 or lesser fine constitutes a final conviction of the defendant.  
6 This subsection does not apply to a defendant required under  
7 Subsection (b-1) to complete a driving safety course approved under  
8 Chapter 1001, Education Code, or an examination under Section  
9 521.161(b)(2), Transportation Code.

10 (d-1) If the defendant was required to complete a driving  
11 safety course or an examination under Subsection (b-1) and by the  
12 conclusion of the deferral period the defendant does not present  
13 satisfactory evidence that the defendant completed that course or  
14 examination, the judge shall impose the fine assessed. The  
15 imposition of the fine constitutes a final conviction of the  
16 defendant.

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

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

22 (1) is within the jurisdiction of a justice court or a  
23 municipal court;

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

25 (3) is defined by:

26 (A) Section 472.022, Transportation Code;

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

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

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

4 (1) is within the jurisdiction of a justice court or a  
5 municipal court;

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

7 (3) is classified as a moving violation.

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

10 (b) An offense committed before September 1, 2005, is  
11 covered by the law in effect when the offense was committed, and the  
12 former law is continued in effect for that purpose. For purposes of  
13 this section, an offense was committed before September 1, 2005, if  
14 any element of the offense was committed before that date.

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