

By: Carona

S.B. No. 1005

A BILL TO BE ENTITLED

AN ACT

1
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.