

1-1 By: Carona S.B. No. 1005  
1-2 (In the Senate - Filed March 4, 2005; March 14, 2005, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 April 18, 2005, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 18, 2005,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1005 By: Ogden

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the suspension of sentence and the deferral of final  
1-11 disposition for a defendant younger than 25 in certain misdemeanor  
1-12 traffic cases.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Article 45.051, Code of Criminal Procedure, is  
1-15 amended by amending Subsections (b) and (d) and adding Subsections  
1-16 (b-1), (b-2), (b-3), and (d-1) to read as follows:

1-17 (b) During the deferral period, the judge may, at the  
1-18 judge's discretion, require the defendant to:

1-19 (1) post a bond in the amount of the fine assessed to  
1-20 secure payment of the fine;

1-21 (2) pay restitution to the victim of the offense in an  
1-22 amount not to exceed the fine assessed;

1-23 (3) submit to professional counseling;

1-24 (4) submit to diagnostic testing for alcohol or a  
1-25 controlled substance or drug;

1-26 (5) submit to a psychosocial assessment;

1-27 (6) participate in an alcohol or drug abuse treatment  
1-28 or education program;

1-29 (7) pay the costs of any diagnostic testing,  
1-30 psychosocial assessment, or participation in a treatment or  
1-31 education program either directly or through the court as court  
1-32 costs;

1-33 (8) complete a driving safety course approved under  
1-34 Chapter 1001, Education Code, [~~the Texas Driver and Traffic Safety~~  
1-35 ~~Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)]  
1-36 or another course as directed by the judge;~~

1-37 (9) present to the court satisfactory evidence that  
1-38 the defendant has complied with each requirement imposed by the  
1-39 judge under this article; and

1-40 (10) comply with any other reasonable condition.

1-41 (b-1) If the defendant is younger than 25 years of age and  
1-42 the offense committed by the defendant is a traffic offense  
1-43 classified as a moving violation:

1-44 (1) Subsection (b)(8) does not apply;

1-45 (2) during the deferral period, the judge shall  
1-46 require the defendant to complete a driving safety course approved  
1-47 under Chapter 1001, Education Code; and

1-48 (3) if the defendant holds a provisional license,  
1-49 during the deferral period the judge shall require that the  
1-50 defendant be examined by the Department of Public Safety as  
1-51 required by Section 521.161(b)(2), Transportation Code; a  
1-52 defendant is not exempt from the examination regardless of whether  
1-53 the defendant was examined previously.

1-54 (b-2) A person examined as required by Subsection (b-1)(3)  
1-55 must pay a \$10 examination fee.

1-56 (b-3) The fee collected under Subsection (b-2) must be  
1-57 deposited to the credit of a special account in the general revenue  
1-58 fund and may be used only by the Department of Public Safety for the  
1-59 administration of Chapter 521, Transportation Code.

1-60 (d) If by the conclusion of the deferral period the  
1-61 defendant does not present satisfactory evidence that the defendant  
1-62 complied with the requirements imposed, the judge may impose the  
1-63 fine assessed or impose a lesser fine. The imposition of the fine

2-1 or lesser fine constitutes a final conviction of the defendant.  
2-2 This subsection does not apply to a defendant required under  
2-3 Subsection (b-1) to complete a driving safety course approved under  
2-4 Chapter 1001, Education Code, or an examination under Section  
2-5 521.161(b)(2), Transportation Code.

2-6 (d-1) If the defendant was required to complete a driving  
2-7 safety course or an examination under Subsection (b-1) and by the  
2-8 conclusion of the deferral period the defendant does not present  
2-9 satisfactory evidence that the defendant completed that course or  
2-10 examination, the judge shall impose the fine assessed. The  
2-11 imposition of the fine constitutes a final conviction of the  
2-12 defendant.

2-13 SECTION 2. Article 45.0511, Code of Criminal Procedure, is  
2-14 amended by amending Subsection (a) and adding Subsection (a-1) to  
2-15 read as follows:

2-16 (a) Except as provided by Subsection (a-1), this [This]  
2-17 article applies only to an alleged offense that:

2-18 (1) is within the jurisdiction of a justice court or a  
2-19 municipal court;

2-20 (2) involves the operation of a motor vehicle; and

2-21 (3) is defined by:

2-22 (A) Section 472.022, Transportation Code;

2-23 (B) Subtitle C, Title 7, Transportation Code; or

2-24 (C) Section 729.001(a)(3), Transportation Code.

2-25 (a-1) If the defendant is younger than 25 years of age, this  
2-26 article applies to any alleged offense that:

2-27 (1) is within the jurisdiction of a justice court or a  
2-28 municipal court;

2-29 (2) involves the operation of a motor vehicle; and

2-30 (3) is classified as a moving violation.

2-31 SECTION 3. (a) The change in law made by this Act applies  
2-32 only to an offense committed on or after September 1, 2005.

2-33 (b) An offense committed before September 1, 2005, is  
2-34 covered by the law in effect when the offense was committed, and the  
2-35 former law is continued in effect for that purpose. For purposes of  
2-36 this section, an offense was committed before September 1, 2005, if  
2-37 any element of the offense was committed before that date.

2-38 SECTION 4. This Act takes effect September 1, 2005.

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