

AN ACT

relating to eligibility for dismissal of certain speeding charges on completion of a driving safety course.

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

SECTION 1. Articles 45.0511(b) and (c), Code of Criminal Procedure, are amended to read as follows:

(b) The judge shall require the defendant to successfully complete a driving safety course approved by the Texas Education Agency or a course under the motorcycle operator training and safety program approved by the designated state agency under Chapter 662, Transportation Code, if:

(1) the defendant elects driving safety course or motorcycle operator training course dismissal under this article;

(2) the defendant:

(A) has not completed an approved driving safety course or motorcycle operator training course, as appropriate, within the 12 months preceding the date of the offense; or

(B) does not have a valid Texas driver's license or permit, is a member, or the spouse or dependent child of a member, of the United States military forces serving on active duty, and has not completed a driving safety course or motorcycle operator training course, as appropriate, in another state within the 12 months preceding the date of the offense;

(3) the defendant enters a plea under Article 45.021

1 in person or in writing of no contest or guilty on or before the
2 answer date on the notice to appear and:

3 (A) presents in person or by counsel to the court
4 a request to take a course; or

5 (B) sends to the court by certified mail, return
6 receipt requested, postmarked on or before the answer date on the
7 notice to appear, a written request to take a course;

8 (4) the defendant:

9 (A) has a valid Texas driver's license or permit;
10 or

11 (B) is a member, or the spouse or dependent child
12 of a member, of the United States military forces serving on active
13 duty;

14 (5) the defendant is charged with an offense to which
15 this article applies, other than speeding at a speed of:

16 (A) 95 miles per hour or more; or

17 (B) 25 miles per hour or more over the posted
18 speed limit; and

19 (6) the defendant provides evidence of financial
20 responsibility as required by Chapter 601, Transportation Code.

21 (c) The court shall enter judgment on the defendant's plea
22 of no contest or guilty at the time the plea is made, defer
23 imposition of the judgment, and allow the defendant 90 days to
24 successfully complete the approved driving safety course or
25 motorcycle operator training course and present to the court:

26 (1) a uniform certificate of completion of the driving
27 safety course or a verification of completion of the motorcycle

1 operator training course;

2 (2) unless the judge proceeds under Subsection (c-1),
3 the defendant's driving record as maintained by the Department of
4 Public Safety, if any, showing that the defendant had not completed
5 an approved driving safety course or motorcycle operator training
6 course, as applicable, within the 12 months preceding the date of
7 the offense;

8 (3) an affidavit stating that the defendant was not
9 taking a driving safety course or motorcycle operator training
10 course, as applicable, under this article on the date the request to
11 take the course was made and had not completed such a course that is
12 not shown on the defendant's driving record within the 12 months
13 preceding the date of the offense; and

14 (4) if the defendant does not have a valid Texas
15 driver's license or permit and is a member, or the spouse or
16 dependent child of a member, of the United States military forces
17 serving on active duty, an affidavit stating that the defendant was
18 not taking a driving safety course or motorcycle operator training
19 course, as appropriate, in another state on the date the request to
20 take the course was made and had not completed such a course within
21 the 12 months preceding the date of the offense.

22 SECTION 2. (a) The change in law made by this Act applies
23 only to an offense committed on or after the effective date of this
24 Act. For the purposes of this section, an offense is committed
25 before the effective date of this Act if any element of the offense
26 occurs before that date.

27 (b) An offense committed before the effective date of this

1 Act is governed by the law in effect when the offense was committed,
2 and the former law is continued in effect for that purpose.

3 SECTION 3. This Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 586 was passed by the House on May 11, 2007, by the following vote: Yeas 144, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 586 on May 25, 2007, by the following vote: Yeas 140, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 586 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor