

By: Gonzalez Toureilles

H.B. No. 586

A BILL TO BE ENTITLED

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. Article 45.0511(b), Code of Criminal Procedure, is 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 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 in person or in writing of no contest or guilty on or before the

1 answer date on the notice to appear and:

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

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

7 (4) the defendant:

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

10 (B) is a member of the United States military
11 forces serving on active duty;

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

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

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

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

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

24 (b) An offense committed before the effective date of this
25 Act is governed by the law in effect when the offense was committed,
26 and the former law is continued in effect for that purpose.

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