

By: Solomons, Martinez Fischer

H.B. No. 2267

A BILL TO BE ENTITLED

AN ACT

relating to the suspension of sentence and deferral of final disposition in certain misdemeanor cases.

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

SECTION 1. Article 45.051, Code of Criminal Procedure, is amended by adding Subsections (a-1), (c-1), and (c-2) and amending Subsections (d) and (d-1) to read as follows:

(a-1) Notwithstanding any other provision of law, as an alternative to requiring a defendant charged with one or more offenses to make payment of all court costs as required by Subsection (a), the judge, in the judge's discretion, may:

(1) allow the defendant to enter into an agreement for payment of those costs in installments during the defendant's period of probation;

(2) require an eligible defendant to discharge all or part of those costs by performing community service under Article 45.049; or

(3) take any combination of actions authorized by Subdivision (1) or (2).

(c-1) If the defendant fails to present within the deferral period satisfactory evidence of compliance with the requirements imposed by the judge under this article, the court shall:

(1) notify the defendant in writing, mailed to the address on file with the court or appearing on the notice to appear,

1 of that failure; and

2 (2) require the defendant to appear at the time and
3 place stated in the notice to show cause why the order of deferral
4 should not be revoked.

5 (c-2) On the defendant's showing of good cause for failure
6 to present satisfactory evidence of compliance with the
7 requirements imposed by the judge under this article, the court may
8 allow an additional period during which the defendant may present
9 evidence of the defendant's compliance with the requirements.

10 (d) If on the date of a show cause hearing under Subsection
11 (c-1) or, if applicable, by the conclusion of an additional period
12 provided under Subsection (c-2) [~~the deferral period~~] the defendant
13 does not present satisfactory evidence that the defendant complied
14 with the requirements imposed, the judge may impose the fine
15 assessed or impose a lesser fine. The imposition of the fine or
16 lesser fine constitutes a final conviction of the defendant. This
17 subsection does not apply to a defendant required under Subsection
18 (b-1) to complete a driving safety course approved under Chapter
19 1001, Education Code, or an examination under Section
20 521.161(b)(2), Transportation Code.

21 (d-1) If the defendant was required to complete a driving
22 safety course or an examination under Subsection (b-1) and on the
23 date of a show cause hearing under Subsection (c-1) or, if
24 applicable, by the conclusion of an additional period provided
25 under Subsection (c-2) [~~the deferral period~~] the defendant does not
26 present satisfactory evidence that the defendant completed that
27 course or examination, the judge shall impose the fine assessed.

1 The imposition of the fine constitutes a final conviction of the
2 defendant.

3 SECTION 2. The change in law made by this Act in adding
4 Subsections (c-1) and (c-2) to and amending Subsections (d) and
5 (d-1) of Article 45.051, Code of Criminal Procedure, applies only
6 to an offense committed on or after the effective date of this Act.
7 An offense committed before the effective date of this Act is
8 covered by the law in effect immediately before the effective date
9 of this Act, and the former law is continued in effect for that
10 purpose. For purposes of this section, an offense was committed
11 before the effective date of this Act if any element of the offense
12 occurred before that date.

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