

By: Solomons

H.B. No. 2267

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the suspension of sentence and deferral of final
3 disposition in certain misdemeanor cases.

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

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

8 (a) On a plea of guilty or nolo contendere by a defendant or
9 on a finding of guilt in a misdemeanor case punishable by fine only
10 and, unless the judge elects to proceed under Subsection (a-1),
11 payment of all court costs, the judge may, at the judge's
12 discretion, defer further proceedings without entering an
13 adjudication of guilt and place the defendant on probation for a
14 period not to exceed 180 days. An order of deferral under this
15 subsection terminates any liability under a bail bond or an
16 appearance bond given for the charge.

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

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

24 (2) require an eligible defendant to discharge all or

1 part of those costs by performing community service under Article
2 45.049; or

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

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

8 (1) notify the defendant in writing, mailed to the
9 address on file with the court or appearing on the notice to appear,
10 of that failure; and

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

14 (c-2) On the defendant's showing of good cause for failure
15 to present satisfactory evidence of compliance with the
16 requirements imposed by the judge under this article, the court may
17 allow an additional period during which the defendant may present
18 evidence of the defendant's compliance with the requirements.

19 (d) If on the date of a show cause hearing under Subsection
20 (c-1) or, if applicable, by the conclusion of an additional period
21 provided under Subsection (c-2) [~~the deferral period~~] the defendant
22 does not present satisfactory evidence that the defendant complied
23 with the requirements imposed, the judge may impose the fine
24 assessed or impose a lesser fine. The imposition of the fine or
25 lesser fine constitutes a final conviction of the defendant. This
26 subsection does not apply to a defendant required under Subsection
27 (b-1) to complete a driving safety course approved under Chapter

1 1001, Education Code, or an examination under Section
2 521.161(b)(2), Transportation Code.

3 (d-1) If the defendant was required to complete a driving
4 safety course or an examination under Subsection (b-1) and on the
5 date of a show cause hearing under Subsection (c-1) or, if
6 applicable, by the conclusion of an additional period provided
7 under Subsection (c-2) [~~the deferral period~~] the defendant does not
8 present satisfactory evidence that the defendant completed that
9 course or examination, the judge shall impose the fine assessed.
10 The imposition of the fine constitutes a final conviction of the
11 defendant.

12 SECTION 2. The change in law made by this Act in adding
13 Subsections (c-1) and (c-2) to and amending Subsections (d) and
14 (d-1) of Article 45.051, Code of Criminal Procedure, applies only
15 to an offense committed on or after the effective date of this Act.
16 An offense committed before the effective date of this Act is
17 covered by the law in effect immediately before the effective date
18 of this Act, and the former law is continued in effect for that
19 purpose. For purposes of this section, an offense was committed
20 before the effective date of this Act if any element of the offense
21 occurred before that date.

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