

1-1 By: Solomons, Martinez Fischer H.B. No. 2267
1-2 (Senate Sponsor - Harris)
1-3 (In the Senate - Received from the House April 23, 2007;
1-4 April 26, 2007, read first time and referred to Committee on
1-5 Criminal Justice; May 16, 2007, reported favorably by the
1-6 following vote: Yeas 6, Nays 0; May 16, 2007, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the suspension of sentence and deferral of final
1-10 disposition in certain misdemeanor cases.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Article 45.051, Code of Criminal Procedure, is
1-13 amended by adding Subsections (a-1), (c-1), and (c-2) and amending
1-14 Subsections (d) and (d-1) to read as follows:

1-15 (a-1) Notwithstanding any other provision of law, as an
1-16 alternative to requiring a defendant charged with one or more
1-17 offenses to make payment of all court costs as required by
1-18 Subsection (a), the judge, in the judge's discretion, may:

1-19 (1) allow the defendant to enter into an agreement for
1-20 payment of those costs in installments during the defendant's
1-21 period of probation;

1-22 (2) require an eligible defendant to discharge all or
1-23 part of those costs by performing community service under Article
1-24 45.049; or

1-25 (3) take any combination of actions authorized by
1-26 Subdivision (1) or (2).

1-27 (c-1) If the defendant fails to present within the deferral
1-28 period satisfactory evidence of compliance with the requirements
1-29 imposed by the judge under this article, the court shall:

1-30 (1) notify the defendant in writing, mailed to the
1-31 address on file with the court or appearing on the notice to appear,
1-32 of that failure; and

1-33 (2) require the defendant to appear at the time and
1-34 place stated in the notice to show cause why the order of deferral
1-35 should not be revoked.

1-36 (c-2) On the defendant's showing of good cause for failure
1-37 to present satisfactory evidence of compliance with the
1-38 requirements imposed by the judge under this article, the court may
1-39 allow an additional period during which the defendant may present
1-40 evidence of the defendant's compliance with the requirements.

1-41 (d) If on the date of a show cause hearing under Subsection
1-42 (c-1) or, if applicable, by the conclusion of an additional period
1-43 provided under Subsection (c-2) [~~the deferral period~~] the defendant
1-44 does not present satisfactory evidence that the defendant complied
1-45 with the requirements imposed, the judge may impose the fine
1-46 assessed or impose a lesser fine. The imposition of the fine or
1-47 lesser fine constitutes a final conviction of the defendant. This
1-48 subsection does not apply to a defendant required under Subsection
1-49 (b-1) to complete a driving safety course approved under Chapter
1-50 1001, Education Code, or an examination under Section
1-51 521.161(b)(2), Transportation Code.

1-52 (d-1) If the defendant was required to complete a driving
1-53 safety course or an examination under Subsection (b-1) and on the
1-54 date of a show cause hearing under Subsection (c-1) or, if
1-55 applicable, by the conclusion of an additional period provided
1-56 under Subsection (c-2) [~~the deferral period~~] the defendant does not
1-57 present satisfactory evidence that the defendant completed that
1-58 course or examination, the judge shall impose the fine assessed.
1-59 The imposition of the fine constitutes a final conviction of the
1-60 defendant.

1-61 SECTION 2. The change in law made by this Act in adding
1-62 Subsections (c-1) and (c-2) to and amending Subsections (d) and
1-63 (d-1) of Article 45.051, Code of Criminal Procedure, applies only
1-64 to an offense committed on or after the effective date of this Act.

2-1 An offense committed before the effective date of this Act is
2-2 covered by the law in effect immediately before the effective date
2-3 of this Act, and the former law is continued in effect for that
2-4 purpose. For purposes of this section, an offense was committed
2-5 before the effective date of this Act if any element of the offense
2-6 occurred before that date.

2-7 SECTION 3. This Act takes effect September 1, 2007.

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