

By: Anderson

H.B. No. 3682

Substitute the following for H.B. No. 3682:

By: Pena

C.S.H.B. No. 3682

A BILL TO BE ENTITLED

AN ACT

1
2 relating to deferred disposition of certain traffic offenses by
3 certain holders of out-of-state driver's licenses.

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

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

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

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

14 (2) the defendant:

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

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

24 (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 25 miles per hour or more
16 over the posted speed limit; and

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

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

24 (1) a uniform certificate of completion of the driving
25 safety course or a verification of completion of the motorcycle
26 operator training course;

27 (2) unless the judge proceeds under Subsection (c-1),

1 the defendant's driving record as maintained by the Department of
2 Public Safety, if any, showing that the defendant had not completed
3 an approved driving safety course or motorcycle operator training
4 course, as applicable, within the 12 months preceding the date of
5 the offense;

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

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

20 SECTION 2. This Act takes effect September 1, 2007.