

SENATE AMENDMENTS

2nd Printing

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.

ADOPTED

MAY 23 2007

Arlene Spaw
Secretary of the Senate

COMMITTEE AMENDMENT NO. 1

BY: Watson

1 Amend H.B. No. 586 as follows:

2 (1) In the introductory language of SECTION 1 of the bill
3 (House engrossment page 1, lines 5 and 6), strike "Article
4 45.0511(b), Code of Criminal Procedure, is amended" and substitute
5 "Articles 45.0511(b) and (c), Code of Criminal Procedure, are
6 amended".

7 (2) In SECTION 1 of the bill, in Subdivision (2)(B),
8 Subsection (b), Article 45.0511, Code of Criminal Procedure (House
9 engrossment page 1, line 19), between "member" and "of", insert
10 ", or the spouse or dependent child of a member,".

11 (3) In SECTION 1 of the bill, in Subdivision (4)(B),
12 Subsection (b), Article 45.0511, Code of Criminal Procedure, (House
13 engrossment page 2, line 10), between "member" and "of", insert
14 ", or the spouse or dependent child of a member,".

15 (4) At the end of SECTION 1 of the bill (House engrossment
16 page 2, between lines 18 and 19), insert the following:

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

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

25 (2) unless the judge proceeds under Subsection (c-1),
26 the defendant's driving record as maintained by the Department of
27 Public Safety, if any, showing that the defendant had not completed
28 an approved driving safety course or motorcycle operator training
29 course, as applicable, within the 12 months preceding the date of

1 the offense;

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

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 18, 2007

TO: Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB586 by Gonzalez Toureilles (Relating to eligibility for dismissal of certain speeding charges on completion of a driving safety course.), **Committee Report 2nd House, As Amended**

No significant fiscal implication to the State is anticipated.

The bill would amend Article 45.0511(b), Code of Criminal Procedure, by adding as a limit of 95 miles per hour or faster as the speed for which a driver cited for speeding would not be eligible to take a driving safety course to have speeding charges dismissed.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KJG, ES, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 17, 2007

TO: Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB586 by Gonzalez Toureilles (Relating to eligibility for dismissal of certain speeding charges on completion of a driving safety course.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend Article 45.0511(b), Code of Criminal Procedure, by adding as a limit of 95 miles per hour or faster as the speed for which a driver cited for speeding would not be eligible to take a driving safety course to have speeding charges dismissed.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KJG, ES, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 21, 2007

TO: Honorable Joe Driver, Chair, House Committee on Law Enforcement

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB586 by Gonzalez Toureilles (Relating to eligibility for dismissal of certain speeding charges on completion of a driving safety course.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Article 45.0511(b), Code of Criminal Procedure, by adding as a limit of 95 miles per hour or faster as the speed for which a driver cited for speeding would not be eligible to take a driving safety course to have speeding charges dismissed.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, ES, DB