

AN ACT

relating to court proceedings for a plea of guilty or nolo
contendere for a misdemeanor punishable by fine only.

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

SECTION 1. Article 27.14(b), Code of Criminal Procedure, is
amended to read as follows:

(b) A defendant charged with a misdemeanor for which the
maximum possible punishment is by fine only may, in lieu of the
method provided in Subsection (a) of this article, mail or deliver
in person to the court a plea of "guilty" or a plea of "nolo
contendere" and a waiver of jury trial. The defendant may also
request in writing that the court notify the defendant, at the
address stated in the request, of the amount of an appeal bond that
the court will approve. If the court receives a plea and waiver
before the time the defendant is scheduled to appear in court, the
court shall dispose of the case without requiring a court
appearance by the defendant. If the court receives a plea and
waiver after the time the defendant is scheduled to appear in court
but at least five business days before a scheduled trial date, the
court shall dispose of the case without requiring a court
appearance by the defendant. The court shall notify the defendant
either in person or by certified mail, return receipt requested, of
the amount of any fine assessed in the case and, if requested by the
defendant, the amount of an appeal bond that the court will approve.

1 The defendant shall pay any fine assessed or give an appeal bond in
2 the amount stated in the notice before the 31st day after receiving
3 the notice.

4 SECTION 2. Articles 45.051(a), (a-1), (b), and (c), Code of
5 Criminal Procedure, are amended to read as follows:

6 (a) On a plea of guilty or nolo contendere by a defendant or
7 on a finding of guilt in a misdemeanor case punishable by fine only
8 and payment of all court costs, the judge may [~~at the judge's~~
9 ~~discretion,~~] defer further proceedings without entering an
10 adjudication of guilt and place the defendant on probation for a
11 period not to exceed 180 days. In issuing the order of deferral,
12 the judge may impose a special expense fee on the defendant in an
13 amount not to exceed the amount of the fine that could be imposed on
14 the defendant as punishment for the offense. The special expense
15 fee may be collected at any time before the date on which the period
16 of probation ends. The judge may elect not to impose the special
17 expense fee for good cause shown by the defendant. If the judge
18 orders the collection of a special expense fee, the judge shall
19 require that the amount of the special expense fee be credited
20 toward the payment of the amount of the fine imposed by the judge.

21 An order of deferral under this subsection terminates any liability
22 under a bail bond or an appearance bond given for the charge.

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

27 (1) allow the defendant to enter into an agreement for

1 payment of those costs in installments during the defendant's
2 period of probation;

3 (2) require an eligible defendant to discharge all or
4 part of those costs by performing community service under Article
5 45.049; or

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

8 (b) During the deferral period, the judge may~~[, at the~~
9 ~~judge's discretion,~~] require the defendant to:

10 (1) post a bond in the amount of the fine assessed to
11 secure payment of the fine;

12 (2) pay restitution to the victim of the offense in an
13 amount not to exceed the fine assessed;

14 (3) submit to professional counseling;

15 (4) submit to diagnostic testing for alcohol or a
16 controlled substance or drug;

17 (5) submit to a psychosocial assessment;

18 (6) participate in an alcohol or drug abuse treatment
19 or education program;

20 (7) pay the costs of any diagnostic testing,
21 psychosocial assessment, or participation in a treatment or
22 education program either directly or through the court as court
23 costs;

24 (8) complete a driving safety course approved under
25 Chapter 1001, Education Code, or another course as directed by the
26 judge;

27 (9) present to the court satisfactory evidence that

1 the defendant has complied with each requirement imposed by the
2 judge under this article; and

3 (10) comply with any other reasonable condition.

4 (c) On determining that the defendant has complied with the
5 requirements imposed by the judge under this article, the judge
6 shall dismiss the complaint, and it shall be clearly noted in the
7 docket that the complaint is dismissed and that there is not a final
8 conviction. [~~If the complaint is dismissed, a special expense not
9 to exceed the amount of the fine assessed may be imposed.~~]

10 SECTION 3. The change in law made by this Act applies only
11 to an offense committed on or after the effective date of this Act.
12 An offense committed before the effective date of this Act is
13 governed by the law in effect at the time the offense was committed,
14 and the former law is continued in effect for that purpose. For
15 purposes of this section, an offense was committed before the
16 effective date of this Act if any element of the offense occurred
17 before that date.

18 SECTION 4. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 1544 was passed by the House on April 30, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1544 on May 29, 2009, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1544 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor