

By: Gallego

H.B. No. 3585

A BILL TO BE ENTITLED

AN ACT

relating to the payment of a special expense fee on a grant of deferred disposition in a justice or municipal court.

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

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

(a) On a plea of guilty or nolo contendere by a defendant or on a finding of guilt in a misdemeanor case punishable by fine only and payment of all court costs, the judge may~~[, at the judge's discretion,]~~ defer further proceedings without entering an adjudication of guilt and place the defendant on probation for a period not to exceed 180 days and, in issuing the order of deferral, may impose a special expense fee in an amount not to exceed the maximum amount of the fine that could be assessed against the defendant as punishment for the offense. An order of deferral under this subsection terminates any liability under a bail bond or an appearance bond given for the charge.

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

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

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

1 (3) submit to professional counseling;

2 (4) submit to diagnostic testing for alcohol or a
3 controlled substance or drug;

4 (5) submit to a psychosocial assessment;

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

7 (7) pay the costs of any diagnostic testing,
8 psychosocial assessment, or participation in a treatment or
9 education program either directly or through the court as court
10 costs;

11 (8) complete a driving safety course approved under
12 Chapter 1001, Education Code, or another course as directed by the
13 judge;

14 (9) present to the court satisfactory evidence that
15 the defendant has complied with each requirement imposed by the
16 judge under this article; and

17 (10) comply with any other reasonable condition.

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

24 (d-2) A special expense fee imposed under Subsection (a) may
25 be collected at any time during the deferral period. The amount
26 collected shall be credited toward the amount of any fine imposed
27 under Subsection (d) or (d-1).

1 SECTION 2. The change in law made by this Act applies to a
2 defendant who receives a grant of deferred disposition under
3 Article 45.051, Code of Criminal Procedure, on or after the
4 effective date of this Act, regardless of when the defendant
5 committed the offense for which the defendant receives the grant of
6 deferred disposition.

7 SECTION 3. This Act takes effect September 1, 2009.