

By: Carona

S.B. No. 365

A BILL TO BE ENTITLED

AN ACT

relating to the suspension of sentence and deferral of final disposition in certain misdemeanor cases.

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

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

(b) During the deferral period, the judge:

(1) shall ~~[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 any [the] fine or special expense that could be imposed under this article; and

(2) may require the defendant to:

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

(B) ~~[(3)]~~ submit to professional counseling;

(C) ~~[(4)]~~ submit to diagnostic testing for alcohol or a controlled substance or drug;

(D) ~~[(5)]~~ submit to a psychosocial assessment;

(E) ~~[(6)]~~ participate in an alcohol or drug abuse treatment or education program;

(F) ~~[(7)]~~ pay the costs of any diagnostic testing, psychosocial assessment, or participation in a treatment or education program either directly or through the court as court

1 costs;

2           (G) [~~(8)~~] complete a driving safety course  
3 approved under Chapter 1001, Education Code, or another course as  
4 directed by the judge;

5           (H) [~~(9)~~] present to the court satisfactory  
6 evidence that the defendant has complied with each requirement  
7 imposed by the judge under this article; and

8           (I) [~~(10)~~] comply with any other reasonable  
9 condition.

10           (c) On determining that the defendant has complied with the  
11 requirements imposed by the judge under this article, the judge  
12 shall dismiss the complaint, and it shall be clearly noted in the  
13 docket that the complaint is dismissed and that there is not a final  
14 conviction. If the complaint is dismissed, a special expense equal  
15 to [~~not to exceed~~] the amount of the fine assessed shall [~~may~~] be  
16 imposed.

17           SECTION 2. The change in law made by this Act to Article  
18 45.051, Code of Criminal Procedure, applies only to an offense  
19 committed on or after the effective date of this Act. An offense  
20 committed before the effective date of this Act is covered by the  
21 law in effect immediately before the effective date of this Act, and  
22 the former law is continued in effect for that purpose. For  
23 purposes of this section, an offense was committed before the  
24 effective date of this Act if any element of the offense occurred  
25 before that date.

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