

By: Carona

S.B. No. 412

A BILL TO BE ENTITLED

AN ACT

relating to the placement of a defendant on deferred disposition in a justice or municipal court.

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

SECTION 1. Articles 45.051(a) and (b), Code of Criminal Procedure, are amended 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. 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, post a bond to secure payment of any [the] fine or special expense that could be imposed under this article;

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

(3) submit to professional counseling;

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

- 1           (5) submit to a psychosocial assessment;
- 2           (6) participate in an alcohol or drug abuse treatment  
3 or education program;
- 4           (7) pay the costs of any diagnostic testing,  
5 psychosocial assessment, or participation in a treatment or  
6 education program either directly or through the court as court  
7 costs;
- 8           (8) complete a driving safety course approved under  
9 Chapter 1001, Education Code, or another course as directed by the  
10 judge;
- 11           (9) present to the court satisfactory evidence that  
12 the defendant has complied with each requirement imposed by the  
13 judge under this article; and
- 14           (10) comply with any other reasonable condition.

15           SECTION 2. The change in law made by this Act applies to a  
16 defendant who, on or after the effective date of this Act, receives  
17 a grant of deferred disposition under Article 45.051, Code of  
18 Criminal Procedure, as amended by this Act, regardless of when the  
19 defendant committed the offense for which the defendant receives  
20 the grant of deferred disposition.

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