

By: Martinez

H.B. No. 2857

A BILL TO BE ENTITLED

1 AN ACT
2 relating to parking privileges for people with disabilities;
3 authorizing a fee; amending dismissal procedures for a criminal
4 offense.

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

6 SECTION 1. Subchapter B, Chapter 45, Code of Criminal
7 Procedure, is amended by adding Article 45.0512 to read as follows:

8 Art. 45.0512. DISABLED PARKING COURSE DISMISSAL
9 PROCEDURES. (a) This article applies only to an alleged offense
10 that:

11 (1) is within the jurisdiction of a justice court or a
12 municipal court; and

13 (2) is defined by Section 681.011, Transportation
14 Code.

15 (b) The judge may require the defendant to successfully
16 complete a disabled parking course approved by the political
17 subdivision in which the alleged offense occurred if:

18 (1) the defendant has not completed a disabled parking
19 course approved by the political subdivision within the 12 months
20 preceding the date of the offense; and

21 (2) the defendant enters a plea under Article 45.021
22 in person or in writing of no contest or guilty on or before the
23 answer date on the notice to appear and:

24 (A) presents in person or by counsel to the court

1 a request to take a course; or

2 (B) sends to the court by certified mail, return
3 receipt requested, postmarked on or before the answer date on the
4 notice to appear, a written request to take a course.

5 (c) The court shall enter judgment on the defendant's plea
6 of no contest or guilty at the time the plea is made, defer
7 imposition of the judgment, and allow the defendant 90 days to
8 successfully complete the approved disabled parking course and
9 present to the court:

10 (1) a certificate, in a form approved by the political
11 subdivision that approved the course, of completion of the disabled
12 parking course; and

13 (2) confirmation from the political subdivision in
14 which the alleged offense occurred that the defendant was not
15 taking a disabled parking course approved by that subdivision under
16 this article on the date the request to take the course was made and
17 had not completed such a course within the 12 months preceding the
18 date of the offense.

19 (d) A request to take a disabled parking course made at or
20 before the time and at the place at which a defendant is required to
21 appear in court is an appearance in compliance with the defendant's
22 promise to appear.

23 (e) In addition to court costs and fees authorized or
24 imposed by a law of this state and applicable to the offense, the
25 court may require a defendant requesting a course under Subsection
26 (b) to pay an administrative fee set by the court to cover the cost
27 of administering this article at an amount of not more than \$10.

1 (f) A defendant who requests but does not take a course is
2 not entitled to a refund of the fee.

3 (g) Fees collected by a municipal court shall be deposited
4 in the municipal treasury. Fees collected by another court shall be
5 deposited in the county treasury of the county in which the court is
6 located.

7 (h) If a defendant requesting a course under this article
8 fails to comply with Subsection (c), the court shall:

9 (1) notify the defendant in writing, mailed to the
10 address on file with the court or appearing in the notice to appear,
11 of that failure; and

12 (2) require the defendant to appear at the time and
13 place stated in the notice to show cause why the evidence was not
14 timely submitted to the court.

15 (i) If the defendant fails to appear at the time and place
16 stated in the notice under Subsection (h), or appears at the time
17 and place stated in the notice but does not show good cause for the
18 defendant's failure to comply with Subsection (c), the court shall
19 enter an adjudication of guilt and impose sentence.

20 (j) On a defendant's showing of good cause for failure to
21 furnish evidence to the court, the court may allow an extension of
22 time during which the defendant may present a certificate of course
23 completion as evidence that the defendant successfully completed
24 the disabled parking course.

25 (k) When a defendant complies with Subsection (c), the court
26 shall remove the judgment and dismiss the charge.

27 (l) The court may dismiss only one charge for each

1 completion of a course.

2 (m) An order of deferral under Subsection (c) terminates any
3 liability under a bail bond or appearance bond given for the charge.

4 SECTION 2. Section 103.021, Government Code, is amended to
5 read as follows:

6 Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
7 CIVIL CASES: CODE OF CRIMINAL PROCEDURE. An accused or
8 defendant, or a party to a civil suit, as applicable, shall pay the
9 following fees and costs under the Code of Criminal Procedure if
10 ordered by the court or otherwise required:

11 (1) a personal bond fee (Art. 17.42, Code of Criminal
12 Procedure) . . . the greater of \$20 or three percent of the amount
13 of the bail fixed for the accused;

14 (2) cost of electronic monitoring as a condition of
15 release on personal bond (Art. 17.43, Code of Criminal Procedure)
16 . . . actual cost;

17 (3) a fee for verification of and monitoring of motor
18 vehicle ignition interlock (Art. 17.441, Code of Criminal
19 Procedure) . . . not to exceed \$10;

20 (3-a) costs associated with operating a global
21 positioning monitoring system as a condition of release on bond
22 (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs,
23 subject to a determination of indigency;

24 (3-b) costs associated with providing a defendant's
25 victim with an electronic receptor device as a condition of the
26 defendant's release on bond (Art. 17.49(b)(3), Code of Criminal
27 Procedure) . . . actual costs, subject to a determination of

1 indigency;

2 (4) repayment of reward paid by a crime stoppers
3 organization on conviction of a felony (Art. 37.073, Code of
4 Criminal Procedure) . . . amount ordered;

5 (5) reimbursement to general revenue fund for payments
6 made to victim of an offense as condition of community supervision
7 (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50 for
8 a misdemeanor offense or \$100 for a felony offense;

9 (6) payment to a crime stoppers organization as
10 condition of community supervision (Art. 42.12, Code of Criminal
11 Procedure) . . . not to exceed \$50;

12 (7) children's advocacy center fee (Art. 42.12, Code
13 of Criminal Procedure) . . . not to exceed \$50;

14 (8) family violence center fee (Art. 42.12, Code of
15 Criminal Procedure) . . . \$100;

16 (9) community supervision fee (Art. 42.12, Code of
17 Criminal Procedure) . . . not less than \$25 or more than \$60 per
18 month;

19 (10) additional community supervision fee for certain
20 offenses (Art. 42.12, Code of Criminal Procedure) . . . \$5 per
21 month;

22 (11) for certain financially able sex offenders as a
23 condition of community supervision, the costs of treatment,
24 specialized supervision, or rehabilitation (Art. 42.12, Code of
25 Criminal Procedure) . . . all or part of the reasonable and
26 necessary costs of the treatment, supervision, or rehabilitation as
27 determined by the judge;

1 (12) fee for failure to appear for trial in a justice
2 or municipal court if a jury trial is not waived (Art. 45.026, Code
3 of Criminal Procedure) . . . costs incurred for impaneling the
4 jury;

5 (13) costs of certain testing, assessments, or
6 programs during a deferral period (Art. 45.051, Code of Criminal
7 Procedure) . . . amount ordered;

8 (14) special expense on dismissal of certain
9 misdemeanor complaints (Art. 45.051, Code of Criminal Procedure)
10 . . . not to exceed amount of fine assessed;

11 (15) an additional fee:

12 (A) for a copy of the defendant's driving record
13 to be requested from the Department of Public Safety by the judge
14 (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal
15 to the sum of the fee established by Section 521.048,
16 Transportation Code, and the state electronic Internet portal fee;

17 (B) as an administrative fee for requesting a
18 driving safety course or a course under the motorcycle operator
19 training and safety program for certain traffic offenses to cover
20 the cost of administering the article (Art. 45.0511(f)(1), Code of
21 Criminal Procedure) . . . not to exceed \$10; ~~or~~

22 (C) for requesting a driving safety course or a
23 course under the motorcycle operator training and safety program
24 before the final disposition of the case (Art. 45.0511(f)(2), Code
25 of Criminal Procedure) . . . not to exceed the maximum amount of the
26 fine for the offense committed by the defendant; or

27 (D) as an administrative fee for requesting a

1 disabled parking course to cover the cost of administering the
2 article (Art. 45.0512(e), Code of Criminal Procedure) . . . not to
3 exceed \$10;

4 (16) a request fee for teen court program (Art.
5 45.052, Code of Criminal Procedure) . . . \$20, if the court
6 ordering the fee is located in the Texas-Louisiana border region,
7 but otherwise not to exceed \$10;

8 (17) a fee to cover costs of required duties of teen
9 court (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the
10 court ordering the fee is located in the Texas-Louisiana border
11 region, but otherwise \$10;

12 (18) a mileage fee for officer performing certain
13 services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per
14 mile;

15 (19) certified mailing of notice of hearing date (Art.
16 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

17 (20) certified mailing of certified copies of an order
18 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,
19 plus postage;

20 (20-a) a fee to defray the cost of notifying state
21 agencies of orders of expungement (Art. 45.0216, Code of Criminal
22 Procedure) . . . \$30 per application;

23 (20-b) a fee to defray the cost of notifying state
24 agencies of orders of expunction (Art. 45.055, Code of Criminal
25 Procedure) . . . \$30 per application;

26 (21) sight orders:

27 (A) if the face amount of the check or sight order

1 does not exceed \$10 (Art. 102.007, Code of Criminal Procedure)
2 . . . not to exceed \$10;

3 (B) if the face amount of the check or sight order
4 is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of
5 Criminal Procedure) . . . not to exceed \$15;

6 (C) if the face amount of the check or sight order
7 is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of
8 Criminal Procedure) . . . not to exceed \$30;

9 (D) if the face amount of the check or sight order
10 is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of
11 Criminal Procedure) . . . not to exceed \$50; and

12 (E) if the face amount of the check or sight order
13 is greater than \$500 (Art. 102.007, Code of Criminal Procedure)
14 . . . not to exceed \$75;

15 (22) fees for a pretrial intervention program:

16 (A) a supervision fee (Art. 102.012(a), Code of
17 Criminal Procedure) . . . \$60 a month plus expenses; and

18 (B) a district attorney, criminal district
19 attorney, or county attorney administrative fee (Art. 102.0121,
20 Code of Criminal Procedure) . . . not to exceed \$500;

21 (23) parking fee violations for child safety fund in
22 municipalities with populations:

23 (A) greater than 850,000 (Art. 102.014, Code of
24 Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and

25 (B) less than 850,000 (Art. 102.014, Code of
26 Criminal Procedure) . . . not to exceed \$5;

27 (24) an administrative fee for collection of fines,

1 fees, restitution, or other costs (Art. 102.072, Code of Criminal
2 Procedure) . . . not to exceed \$2 for each transaction; and

3 (25) a collection fee, if authorized by the
4 commissioners court of a county or the governing body of a
5 municipality, for certain debts and accounts receivable, including
6 unpaid fines, fees, court costs, forfeited bonds, and restitution
7 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30
8 percent of an amount more than 60 days past due.

9 SECTION 3. Sections 681.004(a) and (b), Transportation
10 Code, are amended to read as follows:

11 (a) A person with a permanent disability may receive ~~[+~~
12 ~~[(1) two disabled parking placards, if the person does~~
13 ~~not receive a set of special license plates under Section 504.201,~~
14 ~~[(2)]~~ one disabled parking placard, in addition to any
15 ~~[if the person receives a set of]~~ special license plates received
16 under Subchapter C, Chapter 504 ~~[Section 504.201, or~~
17 ~~[(3) two disabled parking placards, if the person~~
18 ~~receives two sets of special license plates under Section 504.202].~~

19 (b) A person with a temporary disability may receive one
20 ~~[two]~~ disabled parking placard ~~[placards].~~

21 SECTION 4. Section 681.010, Transportation Code, is amended
22 by adding Subsection (c) to read as follows:

23 (c) A charge filed under this section may be filed manually
24 or in an electronically secure format.

25 SECTION 5. Section 681.0101, Transportation Code, is
26 amended by adding Subsections (a-1) and (b-1) and amending
27 Subsection (b) to read as follows:

1 (a-1) A charge filed under this section may be filed
2 manually or in an electronically secure format.

3 (b) A person appointed under this section must:

4 (1) be a United States citizen of good moral character
5 who has not been convicted of a felony;

6 (2) take and subscribe to an oath of office that the
7 political subdivision prescribes; and

8 (3) successfully complete a training program of at
9 least four hours in length developed or approved by the political
10 subdivision.

11 (b-1) A training program described by Subsection (b) must
12 include:

13 (1) information on laws governing parking for people
14 with disabilities;

15 (2) information on the powers, rights, and
16 responsibilities of a person appointed under this section;

17 (3) instructions directing a person appointed under
18 this section not to confront suspected violators of laws governing
19 parking for people with disabilities; and

20 (4) procedures to report suspected violations of laws
21 governing parking for people with disabilities.

22 SECTION 6. Chapter 681, Transportation Code, is amended by
23 adding Section 681.014 to read as follows:

24 Sec. 681.014. DISPOSITION OF FINES. Notwithstanding
25 Section 542.402, a political subdivision that collects fines for
26 violations of Section 681.011 may use not more than 40 percent of
27 the fine revenue to:

1 (1) provide a community education and awareness
2 program about parking for people with disabilities; and

3 (2) establish an advisory body in the political
4 subdivision, composed of members at least half of whom have a
5 disability or represent a nonprofit organization that serves the
6 needs of people with disabilities.

7 SECTION 7. The change in law made by this Act applies only
8 to an offense committed on or after the effective date of this Act.
9 An offense committed before the effective date of this Act is
10 governed by the law in effect on the date the offense was committed,
11 and the former law is continued in effect for that purpose. For
12 purposes of this section, an offense was committed before the
13 effective date of this Act if any element of the offense occurred
14 before that date.

15 SECTION 8. This Act takes effect September 1, 2015.