87R14451 CXP-D

By:  Dominguez H.B. No. 2309

Substitute the following for H.B. No. 2309:

By:  Ortega C.S.H.B. No. 2309

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of parking privileges for people with disabilities; increasing criminal fines; authorizing a fee.

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

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

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

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

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

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

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

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

(A)  presents in person or by counsel to the court a request to take a course;  or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(l)  The court may dismiss only one charge for each completion of a course.

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

SECTION 2.  Section 681.010, Transportation Code, is amended by adding Subsection (c) to read as follows:

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

SECTION 3.  Section 681.0101, Transportation Code, is amended by adding Subsections (a-1) and (b-1) and amending Subsection (b) to read as follows:

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

(b)  A person appointed under this section must:

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

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

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

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

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

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

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

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

SECTION 4.  Sections 681.011(g) and (k), Transportation Code, are amended to read as follows:

(g)  Except as provided by Subsections (h)-(k), an offense under this section is a misdemeanor punishable by a fine of not less than $500 or more than $1,000 [~~$750~~].

(k)  If it is shown on the trial of an offense under this section that the person has been previously convicted four times of an offense under this section, the offense is punishable by a fine of $1,650 [~~$1,250~~] and 50 hours of community service.

SECTION 5.  Sections 681.011(h), (i), and (j), Transportation Code, as amended by Chapters 1160 (H.B. 3095) and 1336 (S.B. 52), Acts of the 81st Legislature, Regular Session, 2009, are reenacted and amended to read as follows:

(h)  If it is shown on the trial of an offense under this section that the person has been previously convicted one time of an offense under this section, the offense is punishable by:

(1)  a fine of not less than $500 or more than $1,050 [~~$800~~]; and

(2)  10 hours of community service.

(i)  If it is shown on the trial of an offense under this section that the person has been previously convicted two times of an offense under this section, the offense is punishable by:

(1)  a fine of not less than $550 or more than $1,050 [~~$800~~]; and

(2)  20 hours of community service.

(j)  If it is shown on the trial of an offense under this section that the person has been previously convicted three times of an offense under this section, the offense is punishable by:

(1)  a fine of not less than $800 or more than $1,450 [~~$1,100~~]; and

(2)  30 hours of community service.

SECTION 6.  The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 7.  This Act takes effect September 1, 2021.