

BILL ANALYSIS

H.B. 3861
By: Canales
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that current law authorizes traffic offenders to have certain violations dismissed once they complete a state-approved driving safety course or motorcycle operator training course but that a dismissal only applies to one traffic offense, meaning that if an individual is charged with multiple offenses in the same incident, only one of those offenses could be dismissed on completion of the applicable course. H.B. 3861 addresses this issue by allowing for the dismissal of more than one traffic violation through the completion of one course, given that those violations occur as part of the same incident. The bill also provides courts the authority to impose a separate reimbursement fee for each offense committed by a defendant that is eligible for dismissal in such cases.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3861 amends the Code of Criminal Procedure to replace the authorization for a justice or municipal court to only dismiss one eligible charge for each completion of a driving safety or motorcycle operator training course with provisions establishing that if a defendant who satisfies all other requirements to have a charge dismissed by the completion of such a course is charged with more than one offense arising out of the same criminal transaction, each charge is eligible for dismissal following the successful completion of one course for all of the charges, provided that each charge on its own would be eligible for dismissal and the defendant otherwise satisfies all applicable requirements. The bill authorizes a court, if a defendant is requesting a driving safety course or motorcycle operator training course for more than one offense arising out of the same criminal transaction, to require the defendant to pay a separate reimbursement fee for each offense committed by the defendant that is eligible for dismissal. These provisions apply to a defendant requesting a driving safety course or motorcycle operator training course on or after the bill's effective date, regardless of whether the offenses for which the course is requested were committed before, on, or after the bill's effective date.

H.B. 3861 revises the requirement for a defendant who elects driving safety course or motorcycle operator training course dismissal to send to a court by certified mail a written request to take a course by including as an alternative method for sending such a request to instead send the written request, if authorized by the court, through a court-designated email address or online portal, on or before the answer date on the notice to appear.

EFFECTIVE DATE

September 1, 2025.

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