

BILL ANALYSIS

Senate Research Center

S.B. 296
By: Perry
Transportation
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When a Texas driver is issued a traffic citation, most minor traffic offenses are eligible for dismissal if the driver takes a court-approved driving safety course or a motorcycle operator and training safety program. Current law allows drivers to take up to one course in a 12-month period. To be eligible the offense must be a Class C misdemeanor traffic offense and it cannot be for speeding in excess of 95 miles per hour or for speeding 25 miles or more above the posted speed limit.

The legislature adopted this dismissal option to allow law-abiding citizens to keep traffic citations off their record if they agree to take a court-approved course. However, if a driver is given multiple citations in the same traffic stop, like for speeding and not wearing a seatbelt, only one of those citations can be dismissed by taking a court-approved course.

Under this legislation, if a driver is cited with more than one traffic violation, that all arise out of the same traffic stop, each citation would be dismissed upon the completion of a court-approved course. Each citation would have to be eligible for dismissal on its own. This legislation does not change the types of offenses that are eligible for dismissal. Instead of being eligible for one dismissal per every 12-month period, drivers would be eligible for dismissal of one traffic stop per 12-month period, provided the offenses are eligible for dismissal.

S.B. 296 amends current law relating to driving safety or motorcycle operator training course dismissal.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Articles 45A.352(a) and (b), Code of Criminal Procedure, as follows:

(a) Requires the judge to require a defendant to successfully complete a driving safety course approved by the Texas Department of Licensing and Regulation or a course under the motorcycle operator training and safety program approved by the designated state agency under Chapter 662 (Motorcycle Operator Training and Safety), Transportation Code, if on or before the answer date on the notice to appear, the defendant enters, under Article 45A.151(a) (relating to authorizing a pleading of defendant in a justice or municipal court to be oral or in writing), a plea of nolo contendere or guilty in person or in writing and sends a written request to take a course if authorized by the court, through a court-designated e-mail address or Internet portal, on or before the answer date on the notice to appear. Makes conforming and nonsubstantive changes.

(b) Provides that if a defendant described by Subsection (a) is charged with more than one offense to which Subchapter H (Driving Safety or Motorcycle Operator Course Dismissal) applies arising out of the same criminal transaction, each charge for an offense described by this subsection is eligible for dismissal under this subchapter following the successful completion of one course described by Subsection (a) for all of the charges,

provided that each charge on its own could be eligible for dismissal under this subchapter, and the defendant otherwise satisfies the requirements of this subchapter. Deletes existing text authorizing the court to dismiss only one charge for each completion of a course described in Subsection (a).

SECTION 2. Amends Article 45A.356(c), Code of Criminal Procedure, as follows:

(c) Requires the court, if a defendant satisfies the requirements of Subsection (a) (relating to requiring the court to enter judgment on a defendant's plea of nolo contendere or guilty at the time the plea is made, defer imposition of judgment, and allow the defendant to meet certain requirements), to remove the judgment and dismiss each eligible charge. Makes a nonsubstantive change.

SECTION 3. Amends Article 45A.358, Code of Criminal Procedure, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Authorizes the court, in addition to court costs and fees authorized or imposed by a law of this state and applicable to the offense, to:

(1) subject to Subsection (a-1), require a defendant requesting a driving safety course or motorcycle operator training course under Article 45A.352(a) to pay a reimbursement fee in an amount of not more than \$10 to cover the cost of administering this subchapter; or

(2) makes no changes to this subdivision.

(a-1) Authorizes the 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, as described by Article 45A.352(b), to require the defendant to pay a separate reimbursement fee under Subsection (a)(1) for each offense committed by the defendant that is eligible for dismissal under Article 45A.352(b).

SECTION 4. Provides that the changes in law made by this Act to Articles 45A.352(b) and 45A.358 (additional Fines and Fees relating to Course Request), Code of Criminal Procedure, apply to a defendant requesting a driving safety course or motorcycle operator training course on or after the effective date of this Act, regardless of whether the offenses for which the course is requested were committed before, on, or after the effective date of this Act.

SECTION 5. Effective date: September 1, 2025.