

By: Canales

H. B. No. 3861

A BILL TO BE ENTITLED

1 AN ACT

2 relating to driving safety or motorcycle operator training course
3 dismissal.

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

5 SECTION 1. Articles 45A.352(a) and (b), Code of Criminal
6 Procedure, are amended to read as follows:

12 (1) the defendant elects driving safety course or
13 motorcycle operator training course dismissal under this
14 subchapter:

15 (2) the defendant:

(A) has a Texas driver's license or permit; or

17 (B) is a member, or the spouse or dependent child
18 of a member, of the United States military forces serving on active
19 duty:

20 (3) either:

21 (A) the defendant has not completed an approved
22 driving safety course or motorcycle operator training course, as
23 appropriate, within the 12-month period preceding the date of the
24 offense; or

1 (B) the defendant:

2 (i) does not have a Texas driver's license
3 or permit;

4 (ii) is a member, or the spouse or dependent
5 child of a member, of the United States military forces serving on
6 active duty; and

7 (iii) has not completed a driving safety
8 course or motorcycle operator training course, as appropriate, in
9 another state within the 12-month period preceding the date of the
10 offense;

11 (4) on or before the answer date on the notice to
12 appear, the defendant enters, under Article 45A.151(a), a plea of
13 nolo contendere or guilty in person or in writing and:

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

16 (B) sends a written request to take a course to
17 the court:

24 (5) the defendant is charged with an offense to which
25 this subchapter applies, other than speeding at a speed of:

26 (A) 95 miles per hour or more; or

27 (B) 25 miles per hour or more over the posted

1 speed limit; and

2 (6) the defendant provides evidence of financial
3 responsibility as required by Chapter [601](#), Transportation Code.

4 (b) If a defendant described by Subsection (a) is charged
5 with more than one offense to which this subchapter applies arising
6 out of the same criminal transaction, each charge for an offense
7 described by this subsection is eligible for dismissal under this
8 subchapter following the successful ~~[The court may dismiss only one~~
9 ~~charge for each]~~ completion of one ~~[a]~~ course described by
10 Subsection (a) for all of the charges, provided that:

11 (1) each charge on its own would be eligible for
12 dismissal under this subchapter; and

13 (2) the defendant otherwise satisfies the
14 requirements of this subchapter.

15 SECTION 2. Article [45A.356](#)(c), Code of Criminal Procedure,
16 is amended to read as follows:

17 (c) If a defendant satisfies the requirements of Subsection
18 (a), the court shall:

19 (1) remove the judgment and dismiss each eligible
20 ~~[the]~~ charge;

21 (2) report the fact that the defendant successfully
22 completed a driving safety course or a motorcycle operator training
23 course and the date of completion to the Department of Public Safety
24 for inclusion in the defendant's driving record; and

25 (3) state in the report under Subdivision (2) whether
26 the course was taken under this subchapter to provide information
27 necessary to determine eligibility to take a subsequent course

1 under Article [45A.352](#)(a).

2 SECTION 3. Article [45A.358](#), Code of Criminal Procedure, is
3 amended by amending Subsection (a) and adding Subsection (a-1) to
4 read as follows:

5 (a) In addition to court costs and fees authorized or
6 imposed by a law of this state and applicable to the offense, the
7 court may:

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

13 (2) require a defendant requesting a driving safety
14 course or motorcycle operator training course under Article
15 [45A.352](#)(c) to pay a fine set by the court in an amount not to exceed
16 the maximum amount of the fine for the offense committed by the
17 defendant.

18 (a-1) If a defendant is requesting a driving safety course
19 or motorcycle operator training course for more than one offense
20 arising out of the same criminal transaction, as described by
21 Article [45A.352](#)(b), the court may require the defendant to pay a
22 separate reimbursement fee under Subsection (a)(1) for each offense
23 committed by the defendant that is eligible for dismissal under
24 Article [45A.352](#)(b).

25 SECTION 4. The changes in law made by this Act to Articles
26 [45A.352](#)(b) and [45A.358](#), Code of Criminal Procedure, apply to a
27 defendant requesting a driving safety course or motorcycle operator

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1 training course on or after the effective date of this Act,
2 regardless of whether the offenses for which the course is
3 requested were committed before, on, or after the effective date of
4 this Act.

5 SECTION 5. This Act takes effect September 1, 2025.