

By: Canales

H.B. No. 3861

A BILL TO BE ENTITLED

AN ACT

relating to driving safety or motorcycle operator training course dismissal.

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

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

(a) The judge shall 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, Transportation Code, if:

(1) the defendant elects driving safety course or motorcycle operator training course dismissal under this subchapter;

(2) the defendant:

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

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

(3) either:

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

(B) the defendant:

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

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

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

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

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

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

(i) by certified mail, return receipt requested, postmarked on or before the answer date on the notice to appear, ~~by a written request to take a course~~; or

(ii) 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;

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

(A) 95 miles per hour or more; or

(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

under Article 45A.352(a).

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

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

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

(a-1) 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), the court may 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. The changes in law made by this Act to Articles 45A.352(b) and 45A.358, Code of Criminal Procedure, apply to a defendant requesting a driving safety course or motorcycle operator

H.B. No. 3861

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.