

1 AN ACT

2 relating to the suspension of sentence and deferral of final  
3 disposition in certain misdemeanor cases.

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

5 SECTION 1. Article 45.051, Code of Criminal Procedure, is  
6 amended by adding Subsections (a-1), (c-1), and (c-2) and amending  
7 Subsections (d) and (d-1) to read as follows:

8 (a-1) Notwithstanding any other provision of law, as an  
9 alternative to requiring a defendant charged with one or more  
10 offenses to make payment of all court costs as required by  
11 Subsection (a), the judge, in the judge's discretion, may:

12 (1) allow the defendant to enter into an agreement for  
13 payment of those costs in installments during the defendant's  
14 period of probation;

15 (2) require an eligible defendant to discharge all or  
16 part of those costs by performing community service under Article  
17 45.049; or

18 (3) take any combination of actions authorized by  
19 Subdivision (1) or (2).

20 (c-1) If the defendant fails to present within the deferral  
21 period satisfactory evidence of compliance with the requirements  
22 imposed by the judge under this article, the court shall:

23 (1) notify the defendant in writing, mailed to the  
24 address on file with the court or appearing on the notice to appear,

1 of that failure; and

2 (2) require the defendant to appear at the time and  
3 place stated in the notice to show cause why the order of deferral  
4 should not be revoked.

5 (c-2) On the defendant's showing of good cause for failure  
6 to present satisfactory evidence of compliance with the  
7 requirements imposed by the judge under this article, the court may  
8 allow an additional period during which the defendant may present  
9 evidence of the defendant's compliance with the requirements.

10 (d) If on the date of a show cause hearing under Subsection  
11 (c-1) or, if applicable, by the conclusion of an additional period  
12 provided under Subsection (c-2) [~~the deferral period~~] the defendant  
13 does not present satisfactory evidence that the defendant complied  
14 with the requirements imposed, the judge may impose the fine  
15 assessed or impose a lesser fine. The imposition of the fine or  
16 lesser fine constitutes a final conviction of the defendant. This  
17 subsection does not apply to a defendant required under Subsection  
18 (b-1) to complete a driving safety course approved under Chapter  
19 1001, Education Code, or an examination under Section  
20 521.161(b)(2), Transportation Code.

21 (d-1) If the defendant was required to complete a driving  
22 safety course or an examination under Subsection (b-1) and on the  
23 date of a show cause hearing under Subsection (c-1) or, if  
24 applicable, by the conclusion of an additional period provided  
25 under Subsection (c-2) [~~the deferral period~~] the defendant does not  
26 present satisfactory evidence that the defendant completed that  
27 course or examination, the judge shall impose the fine assessed.

1 The imposition of the fine constitutes a final conviction of the  
2 defendant.

3 SECTION 2. The change in law made by this Act in adding  
4 Subsections (c-1) and (c-2) to and amending Subsections (d) and  
5 (d-1) of Article 45.051, Code of Criminal Procedure, applies only  
6 to an offense committed on or after the effective date of this Act.  
7 An offense committed before the effective date of this Act is  
8 covered by the law in effect immediately before the effective date  
9 of this Act, and the former law is continued in effect for that  
10 purpose. For purposes of this section, an offense was committed  
11 before the effective date of this Act if any element of the offense  
12 occurred before that date.

13 SECTION 3. This Act takes effect September 1, 2007.

David Newkirk

President of the Senate

Jon Caddick

Speaker of the House

I certify that H.B. No. 2267 was passed by the House on April 19, 2007, by the following vote: Yeas 140, Nays 0, 1 present, not voting.

Robert Haney  
Chief Clerk of the House

I certify that H.B. No. 2267 was passed by the Senate on May 23, 2007, by the following vote: Yeas 31, Nays 0.

Arlene Saw  
Secretary of the Senate

APPROVED: 15 JUN 07

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
5 PM O'CLOCK

Roger Winnie  
Secretary of State