

AN ACT

1
2 relating to the suspension of sentence and the deferral of final
3 disposition for a defendant younger than 25 in certain misdemeanor
4 traffic cases.

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

6 SECTION 1. Article 45.051, Code of Criminal Procedure, is
7 amended by amending Subsections (b) and (d) and adding Subsections
8 (b-1), (b-2), (b-3), and (d-1) to read as follows:

9 (b) During the deferral period, the judge may, at the
10 judge's discretion, require the defendant to:

11 (1) post a bond in the amount of the fine assessed to
12 secure payment of the fine;

13 (2) pay restitution to the victim of the offense in an
14 amount not to exceed the fine assessed;

15 (3) submit to professional counseling;

16 (4) submit to diagnostic testing for alcohol or a
17 controlled substance or drug;

18 (5) submit to a psychosocial assessment;

19 (6) participate in an alcohol or drug abuse treatment
20 or education program;

21 (7) pay the costs of any diagnostic testing,
22 psychosocial assessment, or participation in a treatment or
23 education program either directly or through the court as court
24 costs;

1 (8) complete a driving safety course approved under
2 Chapter 1001, Education Code, [~~the Texas Driver and Traffic Safety~~
3 ~~Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)]~~
4 or another course as directed by the judge;

5 (9) present to the court satisfactory evidence that
6 the defendant has complied with each requirement imposed by the
7 judge under this article; and

8 (10) comply with any other reasonable condition.

9 (b-1) If the defendant is younger than 25 years of age and
10 the offense committed by the defendant is a traffic offense
11 classified as a moving violation:

12 (1) Subsection (b)(8) does not apply;

13 (2) during the deferral period, the judge shall
14 require the defendant to complete a driving safety course approved
15 under Chapter 1001, Education Code; and

16 (3) if the defendant holds a provisional license,
17 during the deferral period the judge shall require that the
18 defendant be examined by the Department of Public Safety as
19 required by Section 521.161(b)(2), Transportation Code; a
20 defendant is not exempt from the examination regardless of whether
21 the defendant was examined previously.

22 (b-2) A person examined as required by Subsection (b-1)(3)
23 must pay a \$10 examination fee.

24 (b-3) The fee collected under Subsection (b-2) must be
25 deposited to the credit of a special account in the general revenue
26 fund and may be used only by the Department of Public Safety for the
27 administration of Chapter 521, Transportation Code.

1 (d) If by the conclusion of the deferral period the
2 defendant does not present satisfactory evidence that the defendant
3 complied with the requirements imposed, the judge may impose the
4 fine assessed or impose a lesser fine. The imposition of the fine
5 or lesser fine constitutes a final conviction of the defendant.
6 This subsection does not apply to a defendant required under
7 Subsection (b-1) to complete a driving safety course approved under
8 Chapter 1001, Education Code, or an examination under Section
9 521.161(b)(2), Transportation Code.

10 (d-1) If the defendant was required to complete a driving
11 safety course or an examination under Subsection (b-1) and by the
12 conclusion of the deferral period the defendant does not present
13 satisfactory evidence that the defendant completed that course or
14 examination, the judge shall impose the fine assessed. The
15 imposition of the fine constitutes a final conviction of the
16 defendant.

17 SECTION 2. Article 45.0511, Code of Criminal Procedure, is
18 amended by amending Subsection (a) and adding Subsection (a-1) to
19 read as follows:

20 (a) Except as provided by Subsection (a-1), this [This]
21 article applies only to an alleged offense that:

22 (1) is within the jurisdiction of a justice court or a
23 municipal court;

24 (2) involves the operation of a motor vehicle; and

25 (3) is defined by:

26 (A) Section 472.022, Transportation Code;

27 (B) Subtitle C, Title 7, Transportation Code; or

1 (C) Section 729.001(a)(3), Transportation Code.

2 (a-1) If the defendant is younger than 25 years of age, this
3 article applies to any alleged offense that:

4 (1) is within the jurisdiction of a justice court or a
5 municipal court;

6 (2) involves the operation of a motor vehicle; and

7 (3) is classified as a moving violation.

8 SECTION 3. (a) The change in law made by this Act applies
9 only to an offense committed on or after September 1, 2005.

10 (b) An offense committed before September 1, 2005, is
11 covered by the law in effect when the offense was committed, and the
12 former law is continued in effect for that purpose. For purposes of
13 this section, an offense was committed before September 1, 2005, if
14 any element of the offense was committed before that date.

15 SECTION 4. This Act takes effect September 1, 2005.

David Newkum
President of the Senate

Jim Coakley
Speaker of the House

I hereby certify that S.B. No. 1005 passed the Senate on April 26, 2005, by the following vote: Yeas 31, Nays 0.

Letsy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 1005 passed the House on May 9, 2005, by a non-record vote.

Robert Haney
Chief Clerk of the House

Approved:

17 MAY 05
Date

RICK PERRY
Governor

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

Roger Williams
Secretary of State
MAY 17 2005