

**CRIMINAL PROCEDURE—GUILT ADJUDICATION DEFERRED—  
FINE AND PROBATION CONDITIONS****CHAPTER 544****H. B. No. 1166**

**An Act relating to the imposition of a fine and to the conditions of probation in a criminal case in which an adjudication of guilt is deferred.**

*Be it enacted by the Legislature of the State of Texas:*

Section 1. Section 3d(a), Article 42.12, Code of Criminal Procedure, 1965, as amended, is amended <sup>97</sup> to read as follows:

(a) When in its opinion the best interest of society and the defendant will be served, the court may, after receiving a plea of guilty or plea of nolo contendere, hearing the evidence, and finding that it substantiates the defendant's guilt, defer further proceedings without entering an adjudication of guilt, and place the defendant on probation for a period as the court may prescribe, not to exceed 10 years. The court may impose a fine applicable to the offense and require any reasonable terms and conditions of probation, including any of the conditions enumerated in Sections 6 and 6a of this Article. However, upon written motion of the defendant requesting final adjudication filed within 30 days after entering such plea and the deferment of adjudication, the court shall proceed to final adjudication as in all other cases.

Sec. 2. Section 3d(a), Article 42.13, Code of Criminal Procedure, 1965, as amended, is amended <sup>98</sup> to read as follows:

(a) When in its opinion the best interest of society and the defendant will be served, the court may, after receiving a plea of guilty or a plea of nolo contendere, hearing the evidence, and finding that it substantiates the defendant's guilt, defer further proceedings without entering an adjudication of guilt and place the defendant on probation for a period as the court may prescribe, not to exceed the maximum period of imprisonment prescribed for the offense for which the defendant is charged. The court may impose a fine applicable to the offense and require any reasonable terms and conditions of probation, including any of the conditions enumerated in Sections 6, 6a, and 6c of this Article. However, upon written motion of the defendant requesting final adjudication filed within 30 days after entering such plea and the deferment of adjudication, the court shall proceed to final adjudication as in all other cases.

Sec. 3. This Act takes effect September 1, 1981.

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 19, 1981, by a non-record vote; passed by the Senate on May 31, 1981: Yeas 30, Nays 0.

Approved June 12, 1981.

Effective Sept. 1, 1981.

<sup>97</sup>. Vernon's Ann.C.C.P. art. 42.12, § 3d(a).

<sup>98</sup>. Vernon's Ann.C.C.P. art. 42.13, § 3d(a).