

## **BILL ANALYSIS**

Senate Research Center  
76R9624 E

H.B. 1603  
By: Thompson (Harris)  
Criminal Justice  
5/4/1999  
Engrossed

### **DIGEST**

Currently, justices of the peace and municipal judges must reference both the Code of Criminal Procedure and the Transportation Code in deferred adjudication cases. In some cases, the policies and procedures in the two codes are in conflict and, in other cases, they overlap or are redundant. H.B. 1603 would place deferred adjudication of traffic offenses only in the Code of Criminal Procedure.

### **PURPOSE**

As proposed, H.B. 1603 places deferred adjudication of traffic offense only in the Code of Criminal Procedure.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 45.54, Code of Criminal Procedure, to delete a prohibition against the application of this article to a misdemeanor case disposed of by Article 6701d, V.T.C.S. (Uniform Act Regulating Traffic on Highways), or serious traffic violations as defined under Article 6687b-2, V.T.C.S. (Texas Commercial Driver's License Act). Makes conforming changes.

SECTION 2. Amends Chapter 45, Code of Criminal Procedure, by adding Article 45.541, as follows:

Art. 45.541. DEFERRED DISPOSITION PROCEDURES APPLICABLE TO TRAFFIC OFFENSES. Applies this article to certain offenses involving the operation of a motor vehicle, other than a commercial motor vehicle, as defined by Section 522.03, Transportation Code, in addition to the provisions of Article 45.54, Code of Criminal Procedure. Requires a justice, during certain deferrals, to require a defendant to successfully complete a Texas Education Agency-approved driving safety course (course). Authorizes the justice to require a defendant to successfully complete a course, if the defendant has completed a course within the preceding 12 months. Sets forth conditions under which Subsection (b)(1) applies. Authorizes a court under certain conditions to allow a defendant to take a driving safety course or motor cycle operator training under this chapter. Provides that a request to take a course made at or before the time and place at which a person is required to appear in court is an appearance in compliance with the person's promise to appear. Authorizes the court to charge a fee up to \$10 to cover the costs of administering this article. Prohibits refunds in the absence of taking a requested course. Requires the fees collected by a municipal court to be deposited in the municipal treasury, and the fees collected by other courts to be deposited in the treasury of the county in which the court is located. Requires a court, if a person requesting a course fails to furnish evidence of successful completion of the course, to notify the person in writing of that failure, and requires the person to appear at a specified time and place and show cause why the evidence was not timely submitted to the court. Provides that it is a misdemeanor with certain punishments to fail to appear. Authorizes a court to grant an extension on a showing of good cause. Requires a court to remove the judgment to dismiss the charge and to report the date of successful completion of the course and whether it was taken in accordance with this article of the Department of Public Safety. Prohibits the dismissal of more than one charge of each completed course. Prohibits the charge from appearing on the person's driving record or being used for any other purpose. Prohibits a motor vehicle insurer from canceling or increasing the premium because the insured completed a course or had a charge dismissed under this article. Requires a court to advise a person with a misdemeanor under Title

7C, Transportation Code, under specified conditions. Provides that the right to complete a course does not apply to a person charged with a violation of Section 545.066, 545.401, 545.421, 550.022, 550.023, or 522.003, Transportation Code.

SECTION 3. Amends Section 542.402(b), Transportation Code, to make a conforming change.

SECTION 4. Repealers: Sections 543.102-543.110, Transportation Code (Notice of Right to Complete Course; Mandatory Deferral; Permissive Deferral; Timely Request Constitutes Appearance; Fee for Request; Failure to Present Evidence of Course Completion; Court Procedures on Successful Course Completion; Dismissal Limited to One Charge; and Use of Information Dismissed Charge or Completed Course).

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 1999.

SECTION 7. Emergency clause.