

- SUBJECT:** Requiring driving courses for those under 25 in misdemeanor traffic cases.
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 7 ayes — Keel, Riddle, Denny, Escobar, Hodge, Pena, Raymond
0 nays
2 absent — P. Moreno, Reyna
- WITNESSES:** For — Steve Bresnen, USA Training, Inc.; Terry H. Heller, USA Training, Inc.; Carlos Reyna.
Against — None
- BACKGROUND:** Under Code of Criminal Procedure, art. 45.051, in a misdemeanor case punishable by a fine only, the judge may defer the proceeding without entering an adjudication of guilt and place the defendant on probation for a maximum of 180 days. During the deferral period, the judge may, among other things, order the defendant to complete a driver safety course, including one approved under the Texas Driver and Traffic Safety Education Act.
- If by the end of the deferral period the defendant does not present satisfactory evidence that the defendant completed the course, the judge may impose the assessed fine or a lesser fine as a final conviction.
- Code of Criminal Procedure, art. 45.0511, addresses driving safety course dismissal procedures for offenses involving failure to obey warning signs or the rules of the road that are within the jurisdiction of a justice court or a municipal court and that involve the operation of a motor vehicle.
- Under this article, if the defendant meets certain criteria, the judge must order the defendant to complete successfully an approved driving safety course. The court enters judgment on the defendant's plea at the time, defers imposition of the judgment, and allows the defendant 90 days to complete the driving safety course. If the defendant fails to appear or to show good cause for failure to complete the course, the judge may impose a finding of guilty and a sentence.

When the defendant successfully completes the course within the required time frame, the judge must dismiss the charge and report the successful completion of the course to the DPS.

The Texas Driver and Safety Education Act was repealed by the 78th Legislature in 2003. Education Code, ch. 1001, addresses driver and traffic safety education.

DIGEST:

HB 1692 would amend Code of Criminal Procedure, art. 45.051, to require a judge to order defendants under 25 years old who had committed a moving violation to complete a driving safety course approved under Education Code, ch. 1001, during the deferral period. By the end of the deferral period, if the defendant did not present satisfactory evidence of having completed the course, the judge would impose the assessed fine.

The bill also would make Code of Criminal Procedure, art. 45.0511, apply to any moving violation committed by a defendant under 25 years old that was within the jurisdiction of a justice court or a municipal court and that involved the operation of a motor vehicle.

If a judge required an individual older than 25 to take a driving safety course during the deferral period, the judge could mandate that the defendant complete a course approved under Education Code, ch. 1001, rather than under the Texas Driver and Traffic Safety Education Act.

The bill would take effect on September 1, 2005, and would apply only to offenses committed on or after that date.

**SUPPORTERS
SAY:**

According to the Institute for Highway Safety, drivers under the age of 25 have a higher rate of fatal crashes than any other age group. HB 1692 would help improve public safety by requiring young drivers convicted of moving violations to take a driver's safety course.

Under current law, judges do not have to require drivers to take a safety course. As a result, many young drivers just pay a fine on deferred adjudication instead of taking a course.

Because of their inexperience, young drivers need consistently to be reminded about driver safety. This bill would force courts to make young drivers guilty of moving violations to take a driver safety course, thereby reducing the number of accidents committed by young drivers. If the

defendant failed to take the course, the defendant would have to pay the assessed fine rather than a lesser fine.

OPPONENTS
SAY:

Judges are in the best position to determine the appropriate punishment for traffic offenses. This bill would remove some of the flexibility judges currently have in assessing a proper punishment.

NOTES:

The companion, SB 1005 by Carona, passed the Senate on the Local and Uncontested Calendar on April 26 and was reported favorably, without amendment, by the House Criminal Jurisprudence Committee on May 3, making it eligible to be considered in lieu of HB 1692.