

BILL ANALYSIS

Senate Research Center

S.B. 166
By: Harris
Jurisprudence
1-28-97
As Filed

DIGEST

The use of deferred adjudication for traffic offenders without having to complete a driving safety course is increasing in municipal courts and among justices of the peace. This process removes the traffic violation from the offender's driving record, which can eliminate a trail of repeat offenses. The chief complaint regarding the inclusion of a traffic safety course as an element of deferred adjudication is the administrative difficulties of correlating the time of completion to the period of probation.

Currently, the deferral period is allowed to extend until evidence of course completion is submitted, or 90 days, whichever comes first. In order to relieve any administrative complications that could result from this deferral process, this bill would set certain time limits on this deferral. In addition, S.B. 166 provides a deferral of proceedings which allows a person to complete a motorcycle operator training course in a certain amount of time.

PURPOSE

As proposed, S.B. 166 provides a deferral of proceedings for certain traffic offenses that allows a person to complete an approved driving safety courses or motorcycle operator training course.

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 Sections 543.103 and 543.104, Transportation Code, to conform to Section 1, Chapter 334, and Section 28, Chapter 1009, Acts of the 74th Legislature, Regular Session, 1995, as follows:

Sec. 543.103. MANDATORY DEFERRAL. Requires the court to defer proceedings and allow a person 60 days to take a driving safety course approved under Article 4413(29c), V.T.C.S., (Texas Driver and Traffic Safety Education Act) or a motorcycle operator training course approved by the Department of Public Safety (department). Provides a person with 30 additional days to present a uniform certificate as written evidence of successful completion of a driving safety course or successful completion of a motorcycle operator training course. Provides that Subsection (a) applies only if the person enters a plea in person or in writing of no contest or guilty and completes certain actions before the answer date on the notice to appear, rather than the citation. Makes conforming changes.

Sec. 543.104. PERMISSIVE DEFERRAL. Makes conforming and nonsubstantive changes.

SECTION 2. Amends Articles 45.54(1)-(3), Code of Criminal Procedure, to provide that this article does not apply to a misdemeanor case disposed of by Chapter 543B, Transportation Code, or a serious traffic violation as defined by Section 522.003, Transportation Code. Makes conforming changes.

SECTION 3. Amends the Transportation Code to conform to changes in law made by Section 1, Chapter 334, and Section 28, Chapter 1009, Acts of the 74th Legislature, Regular Session, 1995, in

addition to the substantive changes in law made by this Act.

SECTION 4. Makes application of the Act prospective.

SECTION 5. Effective date: September 1, 1997.

SECTION 6. Emergency clause.