

CHAPTER 226

S.B. No. 1422

AN ACT

relating to suspension of sentences and deferral of final disposition in justice courts.

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

SECTION 1. Article 45.54, Code of Criminal Procedure, is amended to read as follows:

Art. 45.54. *SUSPENSION OF SENTENCE AND DEFERRAL OF FINAL DISPOSITION.* (1) Upon conviction of the defendant of a misdemeanor punishable by fine only, other than a misdemeanor *disposed of* [~~described~~] by Section 143A, Uniform Act Regulating Traffic on Highways [~~as amended~~] (Article 6701d, Vernon's Texas Civil Statutes), the justice may suspend the imposition of the fine and defer final disposition of the case for a period not to exceed 180 days.

(2) During said deferral period, the justice may require the defendant to:

- (a) post a bond in the amount of the fine assessed to secure payment of the fine;
- (b) pay restitution to the victim of the offense in an amount not to exceed the fine assessed;
- (c) submit to professional counseling; and
- (d) comply with any other reasonable condition, other than payment of all or part of the fine assessed.

(3) At the conclusion of the deferral period, if the defendant presents satisfactory evidence that he has complied with the requirements imposed, the justice may dismiss the complaint. Otherwise, the justice may reduce the fine assessed or may then impose the fine assessed. If the complaint is dismissed, a special expense not to exceed *the amount of the fine assessed* [\$50] may be imposed.

(4) Records relating to a complaint dismissed as provided by this article may [~~not~~] be expunged under Article 55.01 of this code.

SECTION 2. This Act takes effect September 1, 1987, and applies to convictions in justice courts occurring on or after that date. Convictions occurring before the effective date of this Act are covered by the law in effect at that time, and such continues in effect for that purpose.

SECTION 3. 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 the Senate on April 24, 1987, by a viva-voce vote. Passed the House on May 18, 1987, by the following vote: Yeas 142, Nays 0, one present not voting.

Approved May 28, 1987.

Effective Sept. 1, 1987.