

“PROBATION-RELATED” DISMISSALS
Effective September 1, 2011

Court Process	Defendant Requirements	Fee/Costs	Dismissal
Deferred Disposition – Art. 45.051, C.C.P.	<ul style="list-style-type: none"> Defendant required to comply with requirements imposed during deferral period. Present evidence of compliance. 	<ul style="list-style-type: none"> Court costs required to be collected.* Court may impose special expense fee (not to exceed the amount of fine that could be imposed). Special expense fee may be collected at anytime before the date the probation ends. Court may elect not to collect for good cause shown. Art. 45.051(c), C.C.P. 	Court, on determining that defendant complied with the requirements imposed by the court, shall dismiss complaint and shall clearly note in the docket that complaint is dismissed and there is not a final conviction. Art. 45.051(c), C.C.P.
Driving Safety Course/Motorcycle Operator Training Course – Art. 45.0511, C.C.P.	<ul style="list-style-type: none"> Proof of completion of driving safety course or motorcycle operator training course. Certified copy of driving record from the DPS if licensed in Texas (defendant who is active military will probably not have a Texas driving record). Affidavit stating that defendant was not taking a driving safety course or motorcycle operator training course, as applicable, on the date the request to take the course was made and had not completed a course that is not shown on the defendant’s driving record within the 12 months preceding the date of the offense. Texas driver’s license or permit (unless defendant is active military or is active military spouse or dependent child). Proof of financial responsibility. 	<ul style="list-style-type: none"> Court costs required to be collected.* Fee up to \$10 optional under mandatory provision – Art. 45.0511(f)(1), C.C.P. Fee, up to the maximum amount of fine for that offense, allowed under the discretionary provisions – Art. 45.0511(f)(2), C.C.P. 	<p>Upon presentation of evidence of completion of course, certified copy of driving record showing defendant was eligible, and affidavit, court shall remove judgment (earlier judgment on defendant’s plea, on which court deferred imposition for 90 days) and dismiss charge. Art. 45.0511(l), C.C.P.</p> <p>Court may dismiss only one charge for each completion of a course. Art. 45.0511(m), C.C.P.</p>
Teen Court – Art. 45.052, C.C.P.	<ul style="list-style-type: none"> Complete teen court program. Show court evidence of completion of teen court program. 	<ul style="list-style-type: none"> Court costs required to be collected.* Fee up to \$10 optional for administering teen court. Art. 45.052(e), C.C.P. \$10 optional fee for teen court performing its duties, paid to teen court program. Teen court program must account to court for disbursement of fee. Art. 45.052(g), C.C.P. Court may waive fees and court costs imposed by another statute. Art. 45.052(h), C.C.P. Courts in TX/LA border region may charge \$20 fee in place of the \$10 fee. 	Upon presentation of evidence that defendant completed teen court program, court shall dismiss charge. Article 45.052(c), C.C.P.
Compliance with School Attendance – related order. Art. 45.054 (i), C.C.P	<ul style="list-style-type: none"> Defendant successfully complies with conditions imposed by court under Article 45.054, C.C.P. Defendant presents proof of obtaining high school diploma or equivalency certificate. 	<p>Court costs required to be collected.*</p> <p>However, court may waive or reduce a fee or cost if it causes financial hardship. Art. 45.054(i), C.C.P.</p>	Upon compliance or presentation, court shall dismiss complaint alleging Failure to Attend School (Sec. 25.094, E.C.)
Commitment of Chemically Dependent Person – Art. 45.053, C.C.P.	<ul style="list-style-type: none"> Court finds offense resulted from or was related to defendant’s chemical dependency. Application for court-ordered treatment of defendant filed in accordance with Ch. 462, H.S.C. 	Court costs required to be collected.*	Upon presentation of satisfactory evidence that defendant was committed for and completed court-ordered treatment, court shall dismiss charge and shall clearly note in the docket that complaint is dismissed and there is not a final conviction. Art. 45.053(b).
Attendance at a Tobacco Awareness Program – Sec. 161.253, H.S.C.	<ul style="list-style-type: none"> Defendant required to complete tobacco awareness program or tobacco related community service not later than 90th day after conviction. (Court required to suspend execution of sentence for 90 days—Sec. 161.253(a), H.S.C.) Defendant not previously convicted of offense under Sec. 161.252. 	Court costs required to be collected.*	Upon presentation of evidence of completion of tobacco awareness program or community service, court shall dismiss charge. Sec. 161.252(f)(2), H.S.C.

* Section 133.101, L.G.C.: For the purposes of determining criminal court costs and fees, a defendant is considered to be convicted in a case if:

- A judgment, a sentence, or both a judgment and a sentence are imposed on the person;
- The person receives community supervision, deferred adjudication, or deferred disposition;
- The court defers final disposition of the case or imposition of the judgment and sentence.

