

“PROBATION-RELATED” DISMISSALS

Effective September 1, 2009

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(j), 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. 	<p>Upon presentation of evidence that defendant completed teen court program, court shall dismiss charge. Article 45.052(c), C.C.P.</p> <p style="text-align: right;">→ Courts in TX/LA border region may charge \$20 fee in place of the \$10 fee.</p>
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.



COMPLIANCE DISMISSALS

Effective September 1, 2009

Offense	Statute	Length of Time to Comply	Other Required Conditions	Amount of Fee
Operate Motor Vehicle without License Plates or with One Plate	Section 502.404(f) & (g), Transportation Code	Before defendant's first court appearance.	Court may dismiss. <ul style="list-style-type: none"> Registration for the vehicle must be current during period offense was committed; and Registration insignia was attached to the car before the defendant's first court appearance. 	Not to exceed \$10. Fee Required.
Expired Motor Vehicle Registration	Section 502.407(b), Transportation Code	20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.	Court may dismiss. Defendant must show proof of payment of late registration fee to county assessor-collector.	Not to exceed \$20. Fee Optional.
Display Altered, Unclean, or Obscured License Plates	Section 502.409(c), Transportation Code	Before the defendant's first court appearance.	Court may dismiss. None.	Not to exceed \$10. Fee Required.
Expired Driver's License	Section 521.026(a), Transportation Code	20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.	Court may dismiss. None.	Not to exceed \$20. Fee Optional.
Fail to Report Change of Address or Name	Section 521.054(d), Transportation Code	20 working days after the date of the offense.	Court may dismiss. None.	Not to exceed \$20. Fee Required. Court may waive in the interest of justice.
Violate Driver's License Restriction or Endorsement	Section 521.221(d), Transportation Code	Before the defendant's first court appearance.	Court may dismiss. <ul style="list-style-type: none"> Driver's license endorsement was imposed because of a physical condition that was surgically or otherwise medically corrected before the date of the offense, or in error and that is established by the defendant; and DPS removes the restriction or endorsement before the defendant's first court appearance. 	Not to exceed \$10. Fee Required.
Operate Vehicle with Defective Required Equipment (or in Unsafe Condition)*	Section 547.004(c), Transportation Code	Before the defendant's first court appearance.	Court may dismiss. Does not apply if the offense involves a commercial motor vehicle.	Not to exceed \$10. Fee Required.
Expired Inspection (less than 60 days)	Section 548.605(b), Transportation Code	20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.	Court shall dismiss.	Not to exceed \$20. Fee Required.
Expired Inspection (more than 60 days)	Section 548.605(c), Transportation Code	20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.	Court may dismiss.	No Fee Authorized.
Expired Disabled Parking Placard (less than 60 days)	Section 681.013(b), Transportation Code	20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.	Court shall dismiss.	Not to exceed \$20. Fee Required.
Expired Disabled Parking Placard (more than 60 days)	Section 681.013(c), Transportation Code	20 working days after the date of the offense or before the defendant's first court appearance, whichever is later.	Court may dismiss.	No Fee Authorized.
Expired Certificate of Number	Section 31.127(f), Parks and Wildlife Code	10 working days after the date of the offense.	Court may dismiss. <ul style="list-style-type: none"> Certificate of number cannot be expired more than 60 days. 	Not to exceed \$10. Fee Required.

*See back of page for list of common equipment violations.

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*Operate Vehicle with Defective Required Equipment (or in unsafe condition): Section 547.004, T.C. Section 547.004 provides that a person commits an offense that is a misdemeanor if the person operates or moves or, as an owner, knowingly permits another to operate or move, a vehicle that:

- Is unsafe so as to endanger a person;
- Is not equipped in a manner that complies with the vehicle equipment standards and requirements established by Chapter 547; or
- Is equipped in a manner prohibited by Chapter 547.

The following is a list of common equipment violations:

- Allowed vehicle in unsafe condition to be moved or driven so as to endanger any person: Section 547.004
- Allow vehicle not equipped with required equipment to be moved or driven: Section 547.004
- Affix unauthorized sunscreening device to motor vehicle: Section 547.613(a)(2)
- Brakes not maintained in good working order: Section 547.402
- Brakes not on all wheels when required: Sections 547.401 & 547.802
- Clearance (or side markers) improperly mounted): Section 547.354
- Defective brakes or no brakes: Sections 547.401 & 547.408
- Defective exhaust emission system: Section 547.605
- Defective head lamps: Section 547.321, 547.302 & 547.801
- Defective parking lamps: Section 547.383
- Defective safety glazing material: Section 547.608
- Defective stop lamp(s): Section 547.323
- Defective tail lamp(s): Section 547.322
- Defective or no windshield wiper: Section 547.603
- Headlamp improperly located on motorcycle: Section 547.801
- Improper flashing lights: Section 547.702(c)
- Improper use of back-up lamps: Section 547.332
- Improperly directed lamps (over 300 candlepower): Section 547.305
- Mirror violation (none or improperly located): Section 547.602
- Muffler violation (none, defective, loud, cut-out, by-pass): Section 547.604
- No beam indicator: Section 547.333
- No electric turn signal lamps: Section 547.324
- No exhaust emission system (originally equipped but removed): Section 547.605
- No headlamps (when not equipped): Sections 547.321 & 547.801
- No license plate lamp: Sections 547.322 and 547.801
- No multiple beam lighting equipment (or defective): Sections 547.333 & 547.801
- No parking brakes or defective parking brakes: Section 547.404
- No parking lamps: Section 545.383
- No red reflectors on rear: Sections 547.325 & 547.801
- No safety belts: Section 547.601
- No single control to operate all breaks: Sections 547.402 & 547.403
- No stop lamps: Sections 547.323 & 547.801
- No tail lamps: Section 547.322 & 547.801
- No two means of emergency brakes: Section 547.405(a)
- No windshield wiper: Section 547.603
- Obstructed view through windshield or side or rear windows: Section 547.613
- Red lights on front: Section 547.305
- Television receiver, video equipment improperly located (visible to driver): Section 547.611
- Wrong color clearance lamps: Section 547.305
- Wrong color stop light, license plate light, back-up lamp, signal device: Section 547.332

OTHER DISMISSALS

Motions	Hearing	Fee	Dismissal
Defense	Pre-trial (prosecutor notified and gets copies) or trial. (Example: motion to quash complaint - quash means to set aside and dismiss)	None	Depends on information presented at hearing. Judge may grant motion and dismiss.
State (Prosecutor - City Attorney or Deputy City Attorney)	Pre-trial or trial. Depending on motion, defense gets copy. (If motion to dismiss, court should notify defendant and attorney, if any, if charge dismissed.)	None	Depends on information presented at hearing. Article 32.02, C.C.P. provides that the attorney representing the State may, by permission of the court, dismiss a criminal action at any time, upon filing a written statement with the papers in the case setting out his/her reasons for such dismissal, which shall be incorporated in the judgment of dismissal. No case shall be dismissed without the consent of the presiding judge.

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