

**“PROBATION-RELATED” DISMISSALS**  
**Updated to Reflect Changes from the 89th Legislature**

<b>Court Process</b>	<b>Defendant Requirements</b>	<b>Fee/Costs</b>	<b>Dismissal</b>
Deferred Disposition – Chapter 45A, Subchapter G, C.C.P.	<ul style="list-style-type: none"> <li>Defendant required to comply with requirements imposed during deferral period.</li> <li>Present evidence of compliance.</li> </ul>	<ul style="list-style-type: none"> <li>Court costs required to be collected*</li> <li>Court may impose a special expense fee (not to exceed the amount of fine that could be imposed). The fee may be collected at any time before the date the probation ends. Court may elect not to collect for good cause shown. Art. 45A.302, C.C.P. Note: until December 4, 2025, this fee is called a “fine”</li> </ul>	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. 45A.305, C.C.P.
Driving Safety Course/Motorcycle Operator Training Course – Chapter 45A, Subchapter H, C.C.P.	<ul style="list-style-type: none"> <li>Proof of completion of driving safety course or motorcycle operator training course.</li> <li>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).</li> <li>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.</li> <li>Texas driver’s license or permit (unless defendant is active military or is a spouse or dependent child of active military).</li> <li>Proof of financial responsibility.</li> </ul>	<ul style="list-style-type: none"> <li>Court costs required to be collected*</li> <li>Optional reimbursement fee up to \$10 per charge under mandatory DSC/MOC provision – Art. 45A.358(a)(1), C.C.P.</li> <li>Optional reimbursement fee, up to the maximum amount of fine for that offense, allowed under the discretionary DSC/MOC provisions – Art. 45A.358(a)(2), C.C.P.</li> </ul>	<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. 45A.356(c), C.C.P.</p> <p>Under the mandatory DSC/MOC provision, a court shall allow an eligible defendant charged with more than one eligible offense arising out of the same criminal transaction to have each charge dismissed by taking a single course. Art. 45A.352(b), C.C.P.</p>
Teen Court – Art. 45A.401, C.C.P.	<ul style="list-style-type: none"> <li>Complete teen court program.</li> <li>Show court evidence of completion of teen court program.</li> </ul>	<ul style="list-style-type: none"> <li>Court costs required to be collected, but court may exempt defendant from them under Art. 45A.401(l)*</li> <li>Optional reimbursement fee up to \$10 for administering teen court. Art. 45A.401(g), C.C.P.</li> <li>Optional \$10 reimbursement fee to cover the program’s cost for performing duties under this article. The court shall pay the fee to the teen court program, and the teen court program must account to the court for the receipt and disbursement of the fee. Art. 45A.401(j), C.C.P.</li> <li>Courts in the Texas-Louisiana border region may charge \$20 reimbursement fees in place of the up to \$10 and \$10 reimbursement fees in Subsections (g) and (j). Art. 45A.401(m), C.C.P.</li> </ul>	Upon presentation of evidence that defendant completed teen court program, court shall dismiss charge. Article 45A.401(e), C.C.P.
Commitment of Chemically Dependent Person – Art. 45A.402, C.C.P.	<ul style="list-style-type: none"> <li>Court must find that the offense resulted from or was related to defendant’s chemical dependency; and</li> <li>Application for court-ordered treatment of defendant must be filed in accordance with Ch. 462, H.S.C.</li> </ul>	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. 45A.402(b), C.C.P.
Attendance at an E-Cigarette and Tobacco Awareness Program – Sec. 161.253, H.S.C.	<ul style="list-style-type: none"> <li>Defendant required to complete DSHS’s E-Cigarette and Tobacco Awareness Program or e-cigarette and 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.)</li> <li>Defendant must not have been previously convicted of offense under Sec. 161.252 in order to have case dismissed.</li> </ul>	Court costs required to be collected.*	Upon presentation of evidence of completion of an e-cigarette and 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 purpose 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; or
- The court defers final disposition of the case or imposition of the judgment and sentence.

