

By: Goldman

H.B. No. 4417

A BILL TO BE ENTITLED

AN ACT

relating to the administration of court-ordered programs regulated by the Texas Department of Licensing and Regulation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 106.115(a), Alcoholic Beverage Code, as amended by Chapters 663 (H.B. 1560) and 948 (S.B. 1480), Acts of the 87th Legislature, Regular Session, 2021, is reenacted and amended to read as follows:

(a) On the placement of a minor on deferred disposition for an offense under Section 49.02, Penal Code, or under Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court shall require the defendant to successfully complete one of the following programs:

(1) an alcohol awareness program under this section that is regulated under Chapter 171, Government Code; or

(2) a drug education program under Section 521.374(a)(1), Transportation Code, that is regulated under Chapter 171, Government Code [~~or~~

~~(3) a drug and alcohol driving awareness program under Section 1001.103, Education Code].~~

SECTION 2. Section 106.115(a-1) and (b-1), Alcoholic Beverage Code, are amended to read as follows:

(a-1) On conviction of a minor of an offense under Section 49.02, Penal Code, or Section 106.02, 106.025, 106.04, 106.041,

1 106.05, or 106.07, the court, in addition to assessing a fine as
2 provided by those sections, shall require a defendant who has not
3 been previously convicted of an offense under one of those sections
4 to successfully complete an alcohol awareness program or [7] a drug
5 education program [~~7~~ ~~or a drug and alcohol driving awareness~~
6 ~~program~~] described by Subsection (a). If the defendant has been
7 previously convicted once or more of an offense under one or more of
8 those sections, the court may require the defendant to successfully
9 complete an alcohol awareness program or [7] a drug education
10 program [~~7~~ ~~or a drug and alcohol driving awareness program~~]
11 described by Subsection (a).

12 (b-1) If the defendant resides in a county with a population
13 of 75,000 or less and access to an alcohol awareness program is not
14 readily available in the county, the court may allow the defendant
15 to take an online alcohol awareness program approved by [~~if~~]
16 Texas Department of Licensing and Regulation [~~approves online~~
17 ~~courses~~] or require the defendant to perform not less than eight
18 hours of community service related to alcohol abuse prevention or
19 treatment [~~and approved by the Texas Department of Licensing and~~
20 ~~Regulation under Subsection (b-3)~~] instead of attending the alcohol
21 awareness program. Community service ordered under this subsection
22 is in addition to community service ordered under Section
23 [106.071](#)(d).

24 SECTION 3. The following laws are repealed:

25 (1) Section [106.115](#)(b-3), Alcoholic Beverage Code;
26 and

27 (2) Sections [521.375](#)(a) and (b) and [521.376](#)(a),

1 Transportation Code.

2 SECTION 4. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2023.