

1-1 By: Goldman (Senate Sponsor - Zaffirini) H.B. No. 4417
 1-2 (In the Senate - Received from the House May 5, 2023;
 1-3 May 10, 2023, read first time and referred to Committee on Business
 1-4 & Commerce; May 17, 2023, reported favorably by the following vote:
 1-5 Yeas 9, Nays 0; May 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the administration of court-ordered programs regulated
 1-22 by the Texas Department of Licensing and Regulation.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 106.115(a), Alcoholic Beverage Code, as
 1-25 amended by Chapters 663 (H.B. 1560) and 948 (S.B. 1480), Acts of the
 1-26 87th Legislature, Regular Session, 2021, is reenacted and amended
 1-27 to read as follows:

1-28 (a) On the placement of a minor on deferred disposition for
 1-29 an offense under Section 49.02, Penal Code, or under Section
 1-30 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court
 1-31 shall require the defendant to successfully complete one of the
 1-32 following programs:

1-33 (1) an alcohol awareness program under this section
 1-34 that is regulated under Chapter 171, Government Code; or

1-35 (2) a drug education program under Section
 1-36 521.374(a)(1), Transportation Code, that is regulated under
 1-37 Chapter 171, Government Code [~~or~~

1-38 [~~(3) a drug and alcohol driving awareness program~~
 1-39 ~~under Section 1001.103, Education Code].~~

1-40 SECTION 2. Sections 106.115(a-1) and (b-1), Alcoholic
 1-41 Beverage Code, are amended to read as follows:

1-42 (a-1) On conviction of a minor of an offense under Section
 1-43 49.02, Penal Code, or Section 106.02, 106.025, 106.04, 106.041,
 1-44 106.05, or 106.07, the court, in addition to assessing a fine as
 1-45 provided by those sections, shall require a defendant who has not
 1-46 been previously convicted of an offense under one of those sections
 1-47 to successfully complete an alcohol awareness program or [7] a drug
 1-48 education program [~~or a drug and alcohol driving awareness~~
 1-49 ~~program] described by Subsection (a). If the defendant has been~~
 1-50 previously convicted once or more of an offense under one or more of
 1-51 those sections, the court may require the defendant to successfully
 1-52 complete an alcohol awareness program or [7] a drug education
 1-53 program [~~or a drug and alcohol driving awareness program]~~
 1-54 described by Subsection (a).

1-55 (b-1) If the defendant resides in a county with a population
 1-56 of 75,000 or less and access to an alcohol awareness program is not
 1-57 readily available in the county, the court may allow the defendant
 1-58 to take an online alcohol awareness program approved by [~~if~~]
 1-59 the Texas Department of Licensing and Regulation [~~approves online~~
 1-60 ~~courses]~~ or require the defendant to perform not less than eight
 1-61 hours of community service related to alcohol abuse prevention or

2-1 treatment [~~and approved by the Texas Department of Licensing and~~
2-2 ~~Regulation under Subsection (b-3)~~] instead of attending the alcohol
2-3 awareness program. Community service ordered under this subsection
2-4 is in addition to community service ordered under Section
2-5 106.071(d).

2-6 SECTION 3. The following laws are repealed:

2-7 (1) Section 106.115(b-3), Alcoholic Beverage Code;
2-8 and

2-9 (2) Sections 521.375(a) and (b) and 521.376(a),
2-10 Transportation Code.

2-11 SECTION 4. This Act takes effect immediately if it receives
2-12 a vote of two-thirds of all the members elected to each house, as
2-13 provided by Section 39, Article III, Texas Constitution. If this
2-14 Act does not receive the vote necessary for immediate effect, this
2-15 Act takes effect September 1, 2023.

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