

BILL ANALYSIS

H.B. 1114
By: Moreno, Joe E.
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the Alcoholic Beverage Code states a person commits an offense if he knowingly sells an alcoholic beverage to an intoxicated person. The burden is on law enforcement to prove this high level of culpability which has been difficult to accomplish. In the late 1980's individuals recognized the difficulty that law enforcement was experiencing with underage drinking issues. A bill was passed to change the wording of the Alcoholic Beverage Code. Prior to the bill passing, Section 106.03 stated a person commits an offense if "he knowingly" sells an alcoholic beverage to a minor. That resulting enforcement effort and decrease in the availability of alcohol to minors has been dramatic.

By changing the wording for the sale to intoxicated violation, similar results should occur. HB 1114 modifies the wording for the sale to intoxicated violation in order to better enhance the job performance of law enforcement.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Amends Section 101.63(a), Alcoholic Beverage Code by stating that a person commits an offense if the person with criminal negligence sells and alcoholic beverage to a habitual drunkard or an intoxicated or insane person.

EFFECTIVE DATE

September 1, 2003.