

By: Dunnam

H.B. No. 3112

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to provision of alcoholic beverages to a person under 18  
3 years of age.

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

5 SECTION 1. Section 2.02, Alcoholic Beverage Code, is  
6 amended by adding Subsection (c) to read as follows:

7 (c) A violation of Section 106.06 may be made the basis of a  
8 statutory cause of action against a person who purchases, gives, or  
9 makes available an alcoholic beverage to a person under 18 years of  
10 age.

11 SECTION 2. Section 106.06(a), Alcoholic Beverage Code, as  
12 amended by Chapters 437 and 934, Acts of the 73rd Legislature,  
13 Regular Session, 1993, is amended to read as follows:

14 (a) A [~~Except as provided in Subsection (b) of this section,~~  
15 ~~a]~~ person commits an offense if the person with criminal negligence  
16 [~~he]~~ purchases an alcoholic beverage for or gives or [~~with criminal~~  
17 ~~negligence]~~ makes available an alcoholic beverage to a minor [~~with~~  
18 ~~criminal negligence]~~.

19 SECTION 3. Section 106.06(b), Alcoholic Beverage Code, is  
20 repealed.

21 SECTION 4. (a) Section 2.02(c), Alcoholic Beverage Code, as  
22 added by this Act, applies only to a cause of action that accrues on  
23 or after the effective date of this Act. A cause of action that  
24 accrues before the effective date of this Act is governed by the law

1 in effect immediately before that date, and that law is continued in  
2 effect for that purpose.

3 (b) Section 106.06(a), Alcoholic Beverage Code, as amended  
4 by this Act, applies only to an offense committed on or after the  
5 effective date of this Act. An offense committed before the  
6 effective date of this Act is governed by the law in effect when the  
7 offense was committed, and that law is continued in effect for that  
8 purpose. For the purposes of this section, an offense is committed  
9 before the effective date of this Act if any element of the offense  
10 occurs before that date.

11 SECTION 5. This Act takes effect September 1, 2003.