

By: Flores

H.B. No. 1357

A BILL TO BE ENTITLED

AN ACT

relating to the civil consequences of certain alcohol-related offenses.

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

SECTION 1. Section 106.071(d), Alcoholic Beverage Code, is amended to read as follows:

(d) In addition to any fine and any order issued under Section 106.115:

(1) the court shall order a minor placed on deferred disposition for or convicted of an offense to which this section applies to perform community service for:

(A) not less than eight or more than 12 hours, if the minor has not been previously convicted of an offense to which this section applies; or

(B) not less than 20 or more than 40 hours, if the minor has been previously convicted once of an offense to which this section applies; and

(2) the court shall order the Department of Public Safety to suspend the driver's license or permit of a minor convicted of an offense to which this section applies or, if the minor does not have a driver's license or permit, to deny the issuance of a driver's license or permit for:

(A) 180 [~~30~~] days, if the minor has not been previously convicted of an offense to which this section applies;

1 or

2 (B) one year [~~60 days~~], if the minor has been  
3 previously convicted one or more times [~~once of an offense to which~~  
4 ~~this section applies, or~~

5 [~~(C) 180 days, if the minor has been previously~~  
6 ~~convicted twice or more~~] of an offense to which this section  
7 applies.

8 SECTION 2. Section 106.115(d), Alcoholic Beverage Code, is  
9 amended to read as follows:

10 (d) If the defendant does not present the required evidence  
11 within the prescribed period, the court:

12 (1) shall order the Department of Public Safety to:

13 (A) suspend the defendant's driver's license or  
14 permit for a period not to exceed six months or, if the defendant  
15 does not have a license or permit, to deny the issuance of a license  
16 or permit to the defendant for that period; or

17 (B) if the defendant has been previously  
18 convicted of an offense under one or more of the sections listed in  
19 Subsection (a), suspend the defendant's driver's license or permit  
20 for a period not to exceed one year or, if the defendant does not  
21 have a license or permit, to deny the issuance of a license or  
22 permit to the defendant for that period; and

23 (2) may order the defendant or the parent, managing  
24 conservator, or guardian of the defendant to do any act or refrain  
25 from doing any act if the court determines that doing the act or  
26 refraining from doing the act will increase the likelihood that the  
27 defendant will present evidence to the court that the defendant has

1 satisfactorily completed an alcohol awareness program or performed  
2 the required hours of community service.

3 SECTION 3. Section 521.343(a), Transportation Code, is  
4 amended to read as follows:

5 (a) Except as provided by Sections 521.342(b), 521.344(a),  
6 (b), (d), (e), (f), (g), (h), and (i), 521.345, 521.346, ~~[and]~~  
7 521.3465, and 521.351, a suspension under this subchapter is for  
8 one year.

9 SECTION 4. Subchapter O, Chapter 521, Transportation Code,  
10 is amended by adding Section 521.351 to read as follows:

11 Sec. 521.351. PURCHASE OF ALCOHOL FOR MINOR OR FURNISHING  
12 ALCOHOL TO MINOR: AUTOMATIC SUSPENSION; LICENSE DENIAL. (a) A  
13 person's driver's license is automatically suspended on final  
14 conviction of an offense under Section 106.06, Alcoholic Beverage  
15 Code.

16 (b) The department may not issue a driver's license to a  
17 person convicted of an offense under Section 106.06, Alcoholic  
18 Beverage Code, who, on the date of the conviction, did not hold a  
19 driver's license.

20 (c) The period of suspension under this section is the 180  
21 days after the date of a final conviction, and the period of license  
22 denial is the 180 days after the date the person applies to the  
23 department for reinstatement or issuance of a driver's license,  
24 unless the person has previously been denied a license under this  
25 section or had a license suspended, in which event the period of  
26 suspension is one year after the date of a final conviction, and the  
27 period of license denial is one year after the date the person

1 applies to the department for reinstatement or issuance of a  
2 driver's license.

3         SECTION 5. (a) The change in law made by this Act applies  
4 only to an offense committed on or after September 1, 2005.

5         (b) An offense committed before September 1, 2005, is  
6 covered by the law in effect when the offense was committed, and the  
7 former law is continued in effect for that purpose. For purposes of  
8 this section, an offense was committed before September 1, 2005, if  
9 any element of the offense was committed before that date.

10         SECTION 6. This Act takes effect September 1, 2005.