

By: Flores (Senate Sponsor - Seliger) H.B. No. 1357
(In the Senate - Received from the House April 28, 2005;
April 29, 2005, read first time and referred to Committee on
Criminal Justice; May 20, 2005, reported favorably by the
following vote: Yeas 4, Nays 0; May 20, 2005, sent to printer.)

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;
or

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

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

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

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

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

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

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

(2) may order the defendant or the parent, managing
conservator, or guardian of the defendant to do any act or refrain
from doing any act if the court determines that doing the act or
refraining from doing the act will increase the likelihood that the
defendant will present evidence to the court that the defendant has
satisfactorily completed an alcohol awareness program or performed
the required hours of community service.

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

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

one year.

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

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

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

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

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

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

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

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