

BILL ANALYSIS

S.B. 1828
By: Whitmire
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Section 109.61(e), Alcoholic Beverage Code, provides a positive defense for both criminal and administrative violations for sale of alcoholic beverages to minors if an electronic scan device indicates the driver's license is valid.

S.B. 1828 provides that it is an affirmative defense to an offense of selling alcoholic beverages to a minor if the driver's license presented and scanned indicates that the purchaser is over 21 years of age. The bill also provides that is an affirmative defense when an employee sells alcoholic beverages to minors and the employer provided a driver's license scanning device and adequate training for the employee in the use of the scanning device if the employer did not directly or indirectly encourage the employee to violate the law.

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

SECTION 1. Amends Section 109.61, Alcoholic Beverage Code, by amending Subsection (e) and adding Subsection (f), as follows:

(e) Provides that it is an affirmative defense to prosecution under this code, for an offense having as an element the age of a person, that:

(1) a transaction scan device identified the license or certificate of the purchaser as valid and that the person is over 21, and the defendant accessed the information and relied on the results in good faith; or

(2) if the defendant is the owner of a store in which alcoholic beverages are sold at retail, the offense occurs in connection with a sale by an employee of the owner, and the owner had provided the employee with a transaction scan device in working condition, adequate training in the use of the transaction scan device, and the defendant did not directly or indirectly encourage the employee to violate the law.

(f) Provides that the defense offered in Subsection (e) does not apply in actions to cancel, deny or suspend the license or permit.

SECTION 2. Effective date: Immediately, or, of the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

EFFECTIVE DATE

Immediately, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.