

BILL ANALYSIS

C.S.H.B. 3474
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There is concern that young adults are increasingly engaging in hazing that involves the abuse of alcohol resulting in alcohol poisoning. It has been suggested that providing limited immunity for a minor from prosecution of certain alcohol-related offenses could prevent such situations from occurring. C.S.H.B. 3474 seeks to provide that limited immunity and to address additional community supervision requirements for a person who commits an offense relating to providing an alcoholic beverage to a minor at a gathering where participants were involved in certain alcohol abuse, including binge drinking or forcing or coercing individuals to consume alcohol.

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

C.S.H.B. 3474 amends the Alcoholic Beverage Code to provide an exception to the application of the offense of consumption of alcohol by a minor and the offense of possession of alcohol by a minor if the minor requested emergency medical assistance in response to the possible alcohol overdose of the minor or another person; was the first person to make such a request for emergency medical assistance; and, if the minor requested emergency medical assistance for the possible alcohol overdose of another person, remained on the scene until the medical assistance arrived and cooperated with medical assistance and law enforcement personnel.

C.S.H.B. 3474 requires a judge who places on community supervision a defendant charged with purchasing alcohol for a minor or furnishing alcohol to a minor, if the defendant committed the offense at a gathering where participants were involved in the abuse of alcohol, including binge drinking or forcing or coercing individuals to consume alcohol, in addition to any other condition imposed by the judge, to require the defendant to perform community service for not less than 20 or more than 40 hours and attend an alcohol awareness program approved by the Texas Commission on Alcohol and Drug Abuse and to order the Department of Public Safety to suspend the defendant's driver's license or permit or, if the defendant does not have a driver's license or permit, to deny the issuance of a driver's license or permit to the defendant for 180 days.

C.S.H.B. 3474 specifies that the community service ordered by the judge under the bill's provisions is in addition to any other community service ordered by the judge and requires community service ordered under the bill's provisions to be related to education about or prevention of misuse of alcohol if programs or services providing that education are available in the community in which the court is located. The bill authorizes the court, if programs or services providing that education are not available, to order community service that the court considers appropriate for rehabilitative purposes.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3474 omits provisions included in the original expanding the conditions that constitute the offense of public intoxication with respect to a person younger than 21 years old and defining "public place" for purposes of that offense.

C.S.H.B. 3474 differs from the original by providing an exception to the application of the offense of consumption of alcohol by a minor and the offense of possession of alcohol by a minor if the minor took specified actions in response to the possible alcohol overdose of the minor or another person, whereas the original establishes that an offense of public intoxication is not punishable if the person committing the offense took those same actions in response to such a possible overdose and is younger than 21 years old.

C.S.H.B. 3474 differs from the original by requiring a judge who places on community supervision a defendant charged with purchasing alcohol for or furnishing alcohol to a minor to impose specified requirements on the defendant and the Department of Public Safety (DPS), whereas the original requires a judge who places on community supervision a defendant younger than 21 years old charged with an offense of public intoxication for the consumption, possession, or purchase of an alcoholic beverage in a public place to impose those same requirements on the defendant and DPS. The substitute differs from the original in the requirements imposed by the judge on the defendant by specifying that the program the defendant is required to attend is an alcohol awareness program approved by the Texas Commission on Alcohol and Drug Abuse, whereas the original does not specify what entity must approve such a program.

C.S.H.B. 3474 differs from the original in nonsubstantive ways.