

BILL ANALYSIS

S.B. 1331
By: Watson
Criminal Jurisprudence
Committee Report (Amended)

BACKGROUND AND PURPOSE

Observers express concern that young adults are increasingly engaging in hazing that involves the abuse of alcohol resulting in alcohol poisoning. The observers suggest that providing limited immunity for a minor from prosecution of certain alcohol-related offenses could prevent such situations from occurring. S.B. 1331 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

S.B. 1331 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.

S.B. 1331 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.

S.B. 1331 specifies that community service ordered under the bill's provisions is in addition to any other community service ordered by the judge and requires the 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.

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1

Committee Amendment No. 1 amends the bill on page 1, line 8, after "It" and before "to the application" by striking "is an exception" and inserting "does not apply to."