

By: Gallego

H.B. No. 3474

A BILL TO BE ENTITLED

1 AN ACT
2 relating to criminal offenses regarding the possession or
3 consumption of alcoholic beverages by a minor and providing
4 alcoholic beverages to a minor.

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

6 SECTION 1. Section 106.04, Alcoholic Beverage Code, is
7 amended by adding Subsection (e) to read as follows:

8 (e) Subsection (a) does not apply to a minor who:

9 (1) requested emergency medical assistance in
10 response to the possible alcohol overdose of the minor or another
11 person;

12 (2) was the first person to make a request for medical
13 assistance under Subdivision (1); and

14 (3) if the minor requested emergency medical
15 assistance for the possible alcohol overdose of another person:

16 (A) remained on the scene until the medical
17 assistance arrived; and

18 (B) cooperated with medical assistance and law
19 enforcement personnel.

20 SECTION 2. Section 106.05, Alcoholic Beverage Code, is
21 amended by adding Subsection (d) to read as follows:

22 (d) Subsection (a) does not apply to a minor who:

23 (1) requested emergency medical assistance in
24 response to the possible alcohol overdose of the minor or another

1 person;

2 (2) was the first person to make a request for medical
3 assistance under Subdivision (1); and

4 (3) if the minor requested emergency medical
5 assistance for the possible alcohol overdose of another person:

6 (A) remained on the scene until the medical
7 assistance arrived; and

8 (B) cooperated with medical assistance and law
9 enforcement personnel.

10 SECTION 3. Section 106.06, Alcoholic Beverage Code, is
11 amended by adding Subsections (d) and (e) to read as follows:

12 (d) A judge, acting under Article 42.12, Code of Criminal
13 Procedure, who places a defendant charged with an offense under
14 this section on community supervision under that article shall, if
15 the defendant committed the offense at a gathering where
16 participants were involved in the abuse of alcohol, including binge
17 drinking or forcing or coercing individuals to consume alcohol, in
18 addition to any other condition imposed by the judge:

19 (1) require the defendant to:

20 (A) perform community service for not less than
21 20 or more than 40 hours; and

22 (B) attend an alcohol awareness program approved
23 under Section 106.115; and

24 (2) order the Department of Public Safety to suspend
25 the driver's license or permit of the defendant or, if the defendant
26 does not have a driver's license or permit, to deny the issuance of
27 a driver's license or permit to the defendant for 180 days.

1 (e) Community service ordered under Subsection (d) is in
2 addition to any community service ordered by the judge under
3 Section 16, Article 42.12, Code of Criminal Procedure, and must be
4 related to education about or prevention of misuse of alcohol if
5 programs or services providing that education are available in the
6 community in which the court is located. If programs or services
7 providing that education are not available, the court may order
8 community service that the court considers appropriate for
9 rehabilitative purposes.

10 SECTION 4. (a) The change in law made by this Act applies
11 only to an offense committed on or after the effective date of this
12 Act. For purposes of this section, an offense is committed before
13 the effective date of this Act if any element of the offense occurs
14 before the effective date.

15 (b) An offense committed before the effective date of this
16 Act is covered by the law in effect when the offense was committed,
17 and the former law is continued in effect for that purpose.

18 SECTION 5. This Act takes effect September 1, 2011.