

1-1 By: Gallego (Senate Sponsor - Watson) H.B. No. 3474  
1-2 (In the Senate - Received from the House May 16, 2011;  
1-3 May 16, 2011, read first time and referred to Committee on Criminal  
1-4 Justice; May 21, 2011, reported favorably by the following vote:  
1-5 Yeas 6, Nays 0; May 21, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to criminal offenses regarding the possession or  
1-9 consumption of alcoholic beverages by a minor and providing  
1-10 alcoholic beverages to a minor.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 106.04, Alcoholic Beverage Code, is  
1-13 amended by adding Subsection (e) to read as follows:

1-14 (e) Subsection (a) does not apply to a minor who:

1-15 (1) requested emergency medical assistance in  
1-16 response to the possible alcohol overdose of the minor or another  
1-17 person;

1-18 (2) was the first person to make a request for medical  
1-19 assistance under Subdivision (1); and

1-20 (3) if the minor requested emergency medical  
1-21 assistance for the possible alcohol overdose of another person:

1-22 (A) remained on the scene until the medical  
1-23 assistance arrived; and

1-24 (B) cooperated with medical assistance and law  
1-25 enforcement personnel.

1-26 SECTION 2. Section 106.05, Alcoholic Beverage Code, is  
1-27 amended by adding Subsection (d) to read as follows:

1-28 (d) Subsection (a) does not apply to a minor who:

1-29 (1) requested emergency medical assistance in  
1-30 response to the possible alcohol overdose of the minor or another  
1-31 person;

1-32 (2) was the first person to make a request for medical  
1-33 assistance under Subdivision (1); and

1-34 (3) if the minor requested emergency medical  
1-35 assistance for the possible alcohol overdose of another person:

1-36 (A) remained on the scene until the medical  
1-37 assistance arrived; and

1-38 (B) cooperated with medical assistance and law  
1-39 enforcement personnel.

1-40 SECTION 3. Section 106.06, Alcoholic Beverage Code, is  
1-41 amended by adding Subsections (d) and (e) to read as follows:

1-42 (d) A judge, acting under Article 42.12, Code of Criminal  
1-43 Procedure, who places a defendant charged with an offense under  
1-44 this section on community supervision under that article shall, if  
1-45 the defendant committed the offense at a gathering where  
1-46 participants were involved in the abuse of alcohol, including binge  
1-47 drinking or forcing or coercing individuals to consume alcohol, in  
1-48 addition to any other condition imposed by the judge:

1-49 (1) require the defendant to:

1-50 (A) perform community service for not less than  
1-51 20 or more than 40 hours; and

1-52 (B) attend an alcohol awareness program approved  
1-53 under Section 106.115; and

1-54 (2) order the Department of Public Safety to suspend  
1-55 the driver's license or permit of the defendant or, if the defendant  
1-56 does not have a driver's license or permit, to deny the issuance of  
1-57 a driver's license or permit to the defendant for 180 days.

1-58 (e) Community service ordered under Subsection (d) is in  
1-59 addition to any community service ordered by the judge under  
1-60 Section 16, Article 42.12, Code of Criminal Procedure, and must be  
1-61 related to education about or prevention of misuse of alcohol if  
1-62 programs or services providing that education are available in the  
1-63 community in which the court is located. If programs or services  
1-64 providing that education are not available, the court may order

2-1 community service that the court considers appropriate for  
2-2 rehabilitative purposes.

2-3 SECTION 4. (a) The change in law made by this Act applies  
2-4 only to an offense committed on or after the effective date of this  
2-5 Act. For purposes of this section, an offense is committed before  
2-6 the effective date of this Act if any element of the offense occurs  
2-7 before the effective date.

2-8 (b) An offense committed before the effective date of this  
2-9 Act is covered by the law in effect when the offense was committed,  
2-10 and the former law is continued in effect for that purpose.

2-11 SECTION 5. This Act takes effect September 1, 2011.

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