

By: Patrick

S.B. No. 839

A BILL TO BE ENTITLED

AN ACT

relating to the presence of minors in certain alcoholic beverage establishments; providing penalties.

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

SECTION 1. Chapter 106, Alcoholic Beverage Code, is amended by adding Section 106.042 to read as follows:

Sec. 106.042. PRESENCE OF MINOR ON CERTAIN PREMISES. (a) A minor commits an offense if the minor enters and remains on a premises covered by a late hours license or permit. An offense under this subsection is punishable as provided by Section 106.071.

(b) It is an affirmative defense to prosecution under Subsection (a) that:

(1) the minor is:

(A) lawfully employed by the license or permit holder or otherwise engaged in the minor's lawful employment on the premises; or

(B) accompanied by the minor's adult parent, guardian, or spouse or is otherwise under adult supervision; or

(2) the premises is covered by a food and beverage certificate and the minor does not enter and remain in the bar area of the premises.

(c) A license or permit holder that allows a minor to enter and remain on the licensed or permitted premises in violation of this section commits an offense. An offense under this subsection

1 is a Class A misdemeanor.

2 SECTION 2. Section 106.071(a), Alcoholic Beverage Code, is
3 amended to read as follows:

4 (a) This section applies to an offense under Section 106.02,
5 106.025, 106.04, 106.042(a), 106.05, or 106.07.

6 SECTION 3. Section 106.13(a), Alcoholic Beverage Code, is
7 amended to read as follows:

8 (a) Except as provided in Subsections (b) and (c) of this
9 section, the commission or administrator may cancel or suspend for
10 not more than 90 days a retail license or permit or a private club
11 registration permit if it is found, on notice and hearing, that the
12 licensee or permittee with criminal negligence:

13 (1) sold, served, dispensed, or delivered an alcoholic
14 beverage to a minor on the licensed or permitted premises;

15 (2) ~~[or with criminal negligence]~~ permitted a minor to
16 violate Section 106.04 or 106.05 ~~[of this code]~~ on the licensed or
17 permitted premises; or

18 (3) allowed a minor to enter and remain on the licensed
19 or permitted premises in violation of Section 106.042.

20 SECTION 4. This Act takes effect September 1, 2011.