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) It is an exception to the application of Subsection (a)

9 that the minor:

10   (1) requested emergency medical assistance in

11 response to the possible alcohol overdose of the minor or another

12 person;

13   (2) was the first person to make a request for medical

14 assistance under Subdivision (1); and

15   (3) if the minor requested emergency medical

16 assistance for the possible alcohol overdose of another person:

17   (A) remained on the scene until the medical

18 assistance arrived; and

19   (B) cooperated with medical assistance and law

20 enforcement personnel.

21   SECTION 2. Section 106.05, Alcoholic Beverage Code, is

22 amended by adding Subsection (d) to read as follows:

23   (d) It is an exception to the application of Subsection (a)

24 that the minor:

1   (1) requested emergency medical assistance in

2   response to the possible alcohol overdose of the minor or another

3   person;

4   (2) was the first person to make a request for medical

5   assistance under Subdivision (1); and

6   (3) if the minor requested emergency medical

7   assistance for the possible alcohol overdose of another person:

8   (A) remained on the scene until the medical

9   assistance arrived; and

10   (B) cooperated with medical assistance and law

11   enforcement personnel.

12   SECTION 3. Section 106.06, Alcoholic Beverage Code, is

13   amended by adding Subsections (d) and (e) to read as follows:

14   (d) A judge, acting under Article 42.12, Code of Criminal

15   Procedure, who places a defendant charged with an offense under

16   this section on community supervision under that article shall, if

17   the defendant committed the offense at a gathering where

18   participants were involved in the abuse of alcohol, including binge

19   drinking or forcing or coercing individuals to consume alcohol, in

20   addition to any other condition imposed by the judge:

21   (1) require the defendant to:

22   (A) perform community service for not less than

23   20 or more than 40 hours; and

24   (B) attend an alcohol awareness program approved

25   under Section 106.115; and

26   (2) order the Department of Public Safety to suspend

27   the driver's license or permit of the defendant or, if the defendant

1 does not have a driver's license or permit, to deny the issuance of

2 a driver's license or permit to the defendant for 180 days.

3 (e) Community service ordered under Subsection (d) is in

4 addition to any community service ordered by the judge under

5 Section 16, Article 42.12, Code of Criminal Procedure, and must be

6 related to education about or prevention of misuse of alcohol if

7 programs or services providing that education are available in the

8 community in which the court is located. If programs or services

9 providing that education are not available, the court may order

10 community service that the court considers appropriate for

11 rehabilitative purposes.

12 SECTION 4. (a) The change in law made by this Act applies

13 only to an offense committed on or after the effective date of this

14 Act. For purposes of this section, an offense is committed before

15 the effective date of this Act if any element of the offense occurs

16 before the effective date.

17 (b) An offense committed before the effective date of this

18 Act is covered by the law in effect when the offense was committed,

19 and the former law is continued in effect for that purpose.

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

1 <u>COMMITTEE AMENDMENT NO. 1</u>

2 SECTION _____. Amend S.B. 1331 (Engrossed) to read as follows:

3 Page 1, line 8, after "<u>It is an</u>" and before "<u>to the application</u>"

4 strike "<u>exception</u>" and replace it with "<u>does not apply to</u>".

5   Burkett