

1-1 By: Watson S.B. No. 1331  
1-2 (In the Senate - Filed March 9, 2011; March 22, 2011, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 April 18, 2011, reported favorably by the following vote: Yeas 7,  
1-5 Nays 0; April 18, 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) It is an exception to the application of Subsection (a)  
1-15 that the minor:

1-16 (1) requested emergency medical assistance in  
1-17 response to the possible alcohol overdose of the minor or another  
1-18 person;

1-19 (2) was the first person to make a request for medical  
1-20 assistance under Subdivision (1); and

1-21 (3) if the minor requested emergency medical  
1-22 assistance for the possible alcohol overdose of another person:

1-23 (A) remained on the scene until the medical  
1-24 assistance arrived; and

1-25 (B) cooperated with medical assistance and law  
1-26 enforcement personnel.

1-27 SECTION 2. Section 106.05, Alcoholic Beverage Code, is  
1-28 amended by adding Subsection (d) to read as follows:

1-29 (d) It is an exception to the application of Subsection (a)  
1-30 that the minor:

1-31 (1) requested emergency medical assistance in  
1-32 response to the possible alcohol overdose of the minor or another  
1-33 person;

1-34 (2) was the first person to make a request for medical  
1-35 assistance under Subdivision (1); and

1-36 (3) if the minor requested emergency medical  
1-37 assistance for the possible alcohol overdose of another person:

1-38 (A) remained on the scene until the medical  
1-39 assistance arrived; and

1-40 (B) cooperated with medical assistance and law  
1-41 enforcement personnel.

1-42 SECTION 3. Section 106.06, Alcoholic Beverage Code, is  
1-43 amended by adding Subsections (d) and (e) to read as follows:

1-44 (d) A judge, acting under Article 42.12, Code of Criminal  
1-45 Procedure, who places a defendant charged with an offense under  
1-46 this section on community supervision under that article shall, if  
1-47 the defendant committed the offense at a gathering where  
1-48 participants were involved in the abuse of alcohol, including binge  
1-49 drinking or forcing or coercing individuals to consume alcohol, in  
1-50 addition to any other condition imposed by the judge:

1-51 (1) require the defendant to:

1-52 (A) perform community service for not less than  
1-53 20 or more than 40 hours; and

1-54 (B) attend an alcohol awareness program approved  
1-55 under Section 106.115; and

1-56 (2) order the Department of Public Safety to suspend  
1-57 the driver's license or permit of the defendant or, if the defendant  
1-58 does not have a driver's license or permit, to deny the issuance of  
1-59 a driver's license or permit to the defendant for 180 days.

1-60 (e) Community service ordered under Subsection (d) is in  
1-61 addition to any community service ordered by the judge under  
1-62 Section 16, Article 42.12, Code of Criminal Procedure, and must be  
1-63 related to education about or prevention of misuse of alcohol if  
1-64 programs or services providing that education are available in the

2-1 community in which the court is located. If programs or services  
2-2 providing that education are not available, the court may order  
2-3 community service that the court considers appropriate for  
2-4 rehabilitative purposes.

2-5 SECTION 4. (a) The change in law made by this Act applies  
2-6 only to an offense committed on or after the effective date of this  
2-7 Act. For purposes of this section, an offense is committed before  
2-8 the effective date of this Act if any element of the offense occurs  
2-9 before the effective date.

2-10 (b) An offense committed before the effective date of this  
2-11 Act is covered by the law in effect when the offense was committed,  
2-12 and the former law is continued in effect for that purpose.

2-13 SECTION 5. This Act takes effect September 1, 2011.

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