

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 4, 2011**

**TO:** Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB3474** by Gallego (Relating to criminal offenses regarding the possession or consumption of alcoholic beverages by a minor and providing alcoholic beverages to a minor.),  
**Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend Sections 106.04 and 106.05 of the Alcoholic Beverage Code relating to criminal offenses regarding the possession or consumption of alcoholic beverages by a minor and providing alcoholic beverages to a minor. The bill would create several exceptions to the application of a minor committing an offense for consuming or possessing an alcoholic beverage, as defined by the provisions of the bill. An offense would be punishable as provided by Section 106.071 of the Alcoholic Beverage Code.

The bill would amend Section 106.06 of the Alcoholic Beverage Code relating to the purchase of alcohol for a minor or providing alcohol to a minor providing that if an offense is committed in a gathering where participants are engaged in binge drinking, a judge could require the defendant to perform additional community services, require the defendant to attend an alcohol awareness program and order the Department of Public Safety (DPS) to suspend the defendant's driver's license. The offense would be a Class A misdemeanor punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both.

This analysis assumes the Department of Public Safety could implement the provisions of the bill within existing appropriations.

The bill would take effect September 1, 2011.

**Local Government Impact**

There could be a fiscal impact for costs associated with enforcement, prosecution and or confinement; and revenue gain from fines imposed and collected, but the amounts would vary depending on the number of offenses committed. No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety, 696 Department of Criminal Justice

**LBB Staff:** JOB, ESi, TP, AI