BILL ANALYSIS

C.S.H.B. 232
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Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, a minor convicted of or placed on a deferred disposition for certain alcohol-related offenses is required to attend an alcohol awareness program. Interested parties contend that these programs may not be offered in certain rural areas, which then requires a defendant to travel long distances to attend the program as required by the court. C.S.H.B. 232 seeks to address this issue by allowing a defendant who resides in certain areas without easy access to an alcohol awareness program to take an online alcohol awareness program or perform court-ordered alcohol-related community service instead of attending an alcohol awareness program as otherwise required.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 232 amends the Alcoholic Beverage Code to authorize a court to allow a minor defendant who is required to attend an alcohol awareness program on placement on deferred disposition for conviction of certain alcohol-related offenses, but who resides in a county with a population of 25,000 or less and for whom access to an alcohol awareness program is not readily available in the county or an adjacent county, to take an online alcohol awareness program if the Department of State Health Services (DSHS) approves online courses. The bill authorizes the court, alternatively, to require such a defendant to perform not less than eight hours of alcohol-related community service approved by DSHS instead of attending the alcohol awareness program, in addition to the community service to which the court is required to order a minor placed on deferred disposition for or convicted of certain alcohol-related offenses. The bill requires DSHS to create a list of alcohol-related community services in each county in the state to which a judge may sentence such a defendant.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 232 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitutes versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 106.115, Alcoholic	SECTION 1. Section 106.115, Alcoholic

Beverage Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) If the defendant resides in a rural area of this state or another area of this state in which access to an alcohol awareness program is not readily available, the court shall require the defendant to perform not less than 8 or more than 12 hours of alcohol-related community service or other community service the court considers appropriate for rehabilitation purposes instead of attending the alcohol awareness program. The community service ordered under this subsection is in addition to community service ordered under Section 106.071(d).

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Beverage Code, is amended by adding Subsections (b-1) and (b-2) to read as follows:

(b-1) If the defendant resides in a county with a population of 25,000 or less and access to an alcohol awareness program is not readily available in the county or an adjacent county, the court may allow the defendant to take an online alcohol awareness program if the Department of State Health Services approves online courses or require the defendant to perform not less than eight hours of alcohol-related community service approved by the Department of State Health Services under Subsection (b-2) instead of attending the alcohol awareness program. Community service ordered under this subsection is in addition to community service ordered under Section 106.071(d).

(b-2) The Department of State Health Services shall create a list of alcohol-related community services in each county in the state to which a judge may sentence a defendant under Subsection (b-1).

SECTION 2. Same as introduced version.