

AN ACT

relating to allowing certain minors convicted of certain alcohol offenses to perform community service instead of attending an alcohol awareness program.

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

SECTION 1. Section 106.115, Alcoholic Beverage Code, is amended by adding Subsections (b-1), (b-2), and (b-3) to read as follows:

(b-1) If the defendant resides in a county with a population of 75,000 or less and access to an alcohol awareness program is not readily available in the 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 community service related to alcohol abuse prevention or treatment and approved by the Department of State Health Services under Subsection (b-3) 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) For purposes of Subsection (b-1), if the defendant is enrolled in an institution of higher education located in a county in which access to an alcohol awareness program is readily available, the court may consider the defendant to be a resident of that county. If the defendant is not enrolled in such an

1 institution of higher education or if the court does not consider  
2 the defendant to be a resident of the county in which the  
3 institution is located, the defendant's residence is the residence  
4 listed on the defendant's driver's license or personal  
5 identification certificate issued by the Department of Public  
6 Safety. If the defendant does not have a driver's license or  
7 personal identification certificate issued by the Department of  
8 Public Safety, the defendant's residence is the residence on the  
9 defendant's voter registration certificate. If the defendant is not  
10 registered to vote, the defendant's residence is the residence on  
11 file with the public school district on which the defendant's  
12 enrollment is based. If the defendant is not enrolled in public  
13 school, the defendant's residence is determined as provided by  
14 commission rule.

15 (b-3) The Department of State Health Services shall create a  
16 list of community services related to alcohol abuse prevention or  
17 treatment in each county in the state to which a judge may sentence  
18 a defendant under Subsection (b-1).

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

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 232 was passed by the House on April 11, 2013, by the following vote: Yeas 140, Nays 4, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 232 on May 24, 2013, by the following vote: Yeas 140, Nays 4, 3 present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 232 was passed by the Senate, with amendments, on May 22, 2013, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

\_\_\_\_\_  
Governor