

1-1 By: Guillen (Senate Sponsor - Zaffirini) H.B. No. 232
1-2 (In the Senate - Received from the House April 15, 2013;
1-3 April 17, 2013, read first time and referred to Committee on
1-4 Criminal Justice; May 17, 2013, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 17, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 232 By: Hinojosa

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to allowing certain minors convicted of certain alcohol
1-20 offenses to perform community service instead of attending an
1-21 alcohol awareness program.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 106.115, Alcoholic Beverage Code, is
1-24 amended by adding Subsections (b-1), (b-2), and (b-3) to read as
1-25 follows:

1-26 (b-1) If the defendant resides in a county with a population
1-27 of 75,000 or less and access to an alcohol awareness program is not
1-28 readily available in the county, the court may allow the defendant
1-29 to take an online alcohol awareness program if the Department of
1-30 State Health Services approves online courses or require the
1-31 defendant to perform not less than eight hours of community service
1-32 related to alcohol abuse prevention or treatment and approved by
1-33 the Department of State Health Services under Subsection (b-3)
1-34 instead of attending the alcohol awareness program. Community
1-35 service ordered under this subsection is in addition to community
1-36 service ordered under Section 106.071(d).

1-37 (b-2) For purposes of Subsection (b-1), if the defendant is
1-38 enrolled in an institution of higher education located in a county
1-39 in which access to an alcohol awareness program is readily
1-40 available, the court may consider the defendant to be a resident of
1-41 that county. If the defendant is not enrolled in such an
1-42 institution of higher education or if the court does not consider
1-43 the defendant to be a resident of the county in which the
1-44 institution is located, the defendant's residence is the residence
1-45 listed on the defendant's driver's license or personal
1-46 identification certificate issued by the Department of Public
1-47 Safety. If the defendant does not have a driver's license or
1-48 personal identification certificate issued by the Department of
1-49 Public Safety, the defendant's residence is the residence on the
1-50 defendant's voter registration certificate. If the defendant is not
1-51 registered to vote, the defendant's residence is the residence on
1-52 file with the public school district on which the defendant's
1-53 enrollment is based. If the defendant is not enrolled in public
1-54 school, the defendant's residence is determined as provided by
1-55 commission rule.

1-56 (b-3) The Department of State Health Services shall create a
1-57 list of community services related to alcohol abuse prevention or
1-58 treatment in each county in the state to which a judge may sentence
1-59 a defendant under Subsection (b-1).

1-60 SECTION 2. This Act takes effect immediately if it receives

2-1 a vote of two-thirds of all the members elected to each house, as
2-2 provided by Section 39, Article III, Texas Constitution. If this
2-3 Act does not receive the vote necessary for immediate effect, this
2-4 Act takes effect September 1, 2013.

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