

By: Reynolds

H.B. No. 1020

Substitute the following for H.B. No. 1020:

By: Smith

C.S.H.B. No. 1020

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the certification of alcohol awareness programs
3 required for minors convicted of or receiving deferred disposition
4 for certain alcohol offenses.

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

6 SECTION 1. Section 106.115(a), Alcoholic Beverage Code, is
7 amended to read as follows:

8 (a) On the placement of a minor on deferred disposition for
9 an offense under Section 49.02, Penal Code, or under Section
10 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court
11 shall require the defendant to attend an alcohol awareness program
12 approved by the Department of State Health Services under this
13 section or a drug and alcohol driving awareness program approved by
14 the Texas Education Agency [~~Texas Commission on Alcohol and Drug~~
15 ~~Abuse~~]. On conviction of a minor of an offense under one or more of
16 those sections, the court, in addition to assessing a fine as
17 provided by those sections, shall require a defendant who has not
18 been previously convicted of an offense under one of those sections
19 to attend an [~~the~~] alcohol awareness program or a drug and alcohol
20 driving awareness program described by this subsection. If the
21 defendant has been previously convicted once or more of an offense
22 under one or more of those sections, the court may require the
23 defendant to attend an [~~the~~] alcohol awareness program or a drug and
24 alcohol driving awareness program described by this subsection. If

1 the defendant is younger than 18 years of age, the court may require
2 the parent or guardian of the defendant to attend the program with
3 the defendant. The Department of State Health Services [~~Texas~~
4 ~~Commission on Alcohol and Drug Abuse~~]:

5 (1) is responsible for the administration of the
6 certification of approved alcohol awareness programs;

7 (2) may charge a nonrefundable application fee for:

8 (A) initial certification of the approval; or

9 (B) renewal of the certification;

10 (3) shall adopt rules regarding alcohol awareness
11 programs approved under this section; and

12 (4) shall monitor, coordinate, and provide training to
13 a person who provides an alcohol awareness program.

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