

SENATE AMENDMENTS

2nd Printing

By: Guillen

H.B. No. 232

A BILL TO BE ENTITLED

AN ACT

1
2 relating to allowing certain minors convicted of certain alcohol
3 offenses to perform community service instead of attending an
4 alcohol awareness program.

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

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

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

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

23 SECTION 2. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as

H.B. No. 232

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2013.

ADOPTED

MAY 22 2013

Greg Abbott
Governor

By: _____

____.B. No. 232

Substitute the following for __,B. No. _____:

By: *J. J. King*

C.S. __.B. No. _____

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

9 (b-1) If the defendant resides in a county with a population
10 of 75,000 or less and access to an alcohol awareness program is not
11 readily available in the county, the court may allow the defendant
12 to take an online alcohol awareness program if the Department of
13 State Health Services approves online courses or require the
14 defendant to perform not less than eight hours of community service
15 related to alcohol abuse prevention or treatment and approved by
16 the Department of State Health Services under Subsection (b-3)
17 instead of attending the alcohol awareness program. Community
18 service ordered under this subsection is in addition to community
19 service ordered under Section 106.071(d).

20 (b-2) For purposes of Subsection (b-1), if the defendant is
21 enrolled in an institution of higher education located in a county
22 in which access to an alcohol awareness program is readily
23 available, the court may consider the defendant to be a resident of
24 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.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 23, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB232 by Guillen (Relating to allowing certain minors convicted of certain alcohol offenses to perform community service instead of attending an alcohol awareness program.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Alcoholic Beverage Code as it relates to allowing certain minors convicted of certain alcohol offenses to perform community service instead of attending an alcohol awareness program. Under the provisions of the bill, the Department of State Health Services (DSHS) is required to create a list of community services related to alcohol abuse prevention or treatment in each county in the state to which a judge may sentence a defendant. Based on the analysis provided by DSHS, it is assumed that the provisions of the bill can be implemented within existing resources.

No significant impact on state correctional populations, programs, or workload is anticipated from any provisions of the bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

According to the Office of Court Administration, as the statute pertains to offenses not prosecuted in state courts, no significant fiscal impact to the state judiciary is anticipated.

Local Government Impact

There could be costs to some justice, municipal and county courts that may need to change some forms pertaining to alcohol awareness programs; however, the amounts would vary and are not anticipated to be significant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 537 State Health Services, Department of

LBB Staff: UP, SD, ESi, RB, TP, CH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 17, 2013

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB232 by Guillen (Relating to allowing certain minors convicted of certain alcohol offenses to perform community service instead of attending an alcohol awareness program.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Alcoholic Beverage Code as it relates to allowing certain minors convicted of certain alcohol offenses to perform community service instead of attending an alcohol awareness program. Under the provisions of the bill, the Department of State Health Services (DSHS) is required to create a list of community services related to alcohol abuse prevention or treatment in each county in the state to which a judge may sentence a defendant. Based on the analysis provided by DSHS, it is assumed that the provisions of the bill can be implemented within existing resources.

No significant impact on state correctional populations, programs, or workload is anticipated from any provisions of the bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

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Local Government Impact

There could be costs to some justice, municipal and county courts that may need to change some forms pertaining to alcohol awareness programs; however, the amounts would vary and are not anticipated to be significant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 537 State Health Services, Department of

LBB Staff: UP, ESi, RB, TP, CH

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 24, 2013

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB232 by Guillen (Relating to allowing certain minors convicted of certain alcohol offenses to perform community service instead of attending an alcohol awareness program.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Alcoholic Beverage Code as it relates to allowing certain minors convicted of certain alcohol offenses to perform community service instead of attending an alcohol awareness program. Under the provisions of the bill, the Department of State Health Services (DSHS) is required to create a list of alcohol-related community services in each county in the state to which a judge may sentence a defendant. Based on the analysis provided by DSHS, it is assumed that the provisions of the bill can be implemented within existing resources.

No significant impact on state correctional populations, programs, or workload is anticipated from any provisions of the bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

According to the Office of Court Administration, as the statute pertains to offenses not prosecuted in state courts, no significant fiscal impact to the state judiciary is anticipated.

Local Government Impact

There could be costs to some justice, municipal and county courts that may need to change some forms pertaining to alcohol awareness programs; however, the amounts would vary and are not anticipated to be significant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 537 State Health Services, Department of

LBB Staff: UP, ESi, RB, TP, CH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 25, 2013

TO: Honorable Wayne Smith, Chair, House Committee on Licensing & Administrative Procedures

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB232 by Guillen (Relating to allowing certain minors convicted of certain alcohol offenses to perform community service instead of attending an alcohol awareness program.), **Committee Report 1st House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Alcoholic Beverage Code as it relates to allowing certain minors convicted of certain alcohol offenses to perform community service instead of attending an alcohol awareness program. Under the provisions of the bill, the Department of State Health Services (DSHS) is required to create a list of alcohol-related community services in each county in the state to which a judge may sentence a defendant. Based on the analysis provided by DSHS, it is assumed that the provisions of the bill can be implemented within existing resources.

No significant impact on state correctional populations, programs, or workload is anticipated from any provisions of the bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

According to the Office of Court Administration, as the statute pertains to offenses not prosecuted in state courts, no significant fiscal impact to the state judiciary is anticipated.

Local Government Impact

There could be costs to some justice, municipal and county courts that may need to change some forms pertaining to alcohol awareness programs; however, the amounts would vary and are not anticipated to be significant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 537 State Health Services, Department of

LBB Staff: UP, RB, TP, CH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 9, 2013

TO: Honorable Wayne Smith, Chair, House Committee On Licensing & Administrative Procedures

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB232 by Guillen (Relating to allowing certain minors convicted of certain alcohol offenses to perform community service instead of attending an alcohol awareness program.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Alcoholic Beverage Code to allow a court to require a minor defendant to perform community service that the court determines appropriate for rehabilitation instead of an alcohol awareness program if a program is not available in the defendant's area.

No significant impact on state correctional populations, programs, or workload is anticipated from any provisions of the bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

According to the Office of Court Administration, as the statute pertains to offenses not prosecuted in state courts, no significant fiscal impact to the state judiciary is anticipated.

Local Government Impact

There could be costs to some justice, municipal and county courts that may need to change some forms pertaining to alcohol awareness programs; however, the amounts would vary and is not anticipated to be significant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, RB, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

83RD LEGISLATIVE REGULAR SESSION

March 25, 2013

TO: Honorable Wayne Smith, Chair, House Committee on Licensing & Administrative Procedures

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB232 by Guillen (Relating to allowing certain minors convicted of certain alcohol offenses to perform community service instead of attending an alcohol awareness program.), **Committee Report 1st House, Substituted**

No significant impact on state correctional populations, programs, or workload is anticipated from any provisions of the bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes or juveniles adjudicated for felony or misdemeanor behavior.

Source Agencies:

LBB Staff: UP, GG, JGA

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

83RD LEGISLATIVE REGULAR SESSION

March 11, 2013

TO: Honorable Wayne Smith, Chair, House Committee On Licensing & Administrative Procedures

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB232 by Guillen (Relating to allowing certain minors convicted of certain alcohol offenses to perform community service instead of attending an alcohol awareness program.), **As Introduced**

No significant impact on state correctional populations, programs, or workload is anticipated from any provisions of the bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes or juveniles adjudicated for felony or misdemeanor behavior.

Source Agencies:

LBB Staff: UP, GG, JGA

LEGISLATIVE BUDGET BOARD
Austin, Texas

TAX/FEE EQUITY NOTE

83RD LEGISLATIVE REGULAR SESSION

March 26, 2013

TO: Honorable Wayne Smith, Chair, House Committee on Licensing & Administrative Procedures

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB232 by Guillen (Relating to allowing certain minors convicted of certain alcohol offenses to perform community service instead of attending an alcohol awareness program.). **Committee Report 1st House, Substituted**

Because the bill would not create or impact a state tax or fee, no comment from this office is required by the rules of the House as to the general effects of the proposal on the distribution of tax and fee burdens among individuals and businesses.

Source Agencies:

LBB Staff: UP, KK

LEGISLATIVE BUDGET BOARD
Austin, Texas

TAX/FEE EQUITY NOTE

83RD LEGISLATIVE REGULAR SESSION

March 6, 2013

TO: Honorable Wayne Smith, Chair, House Committee On Licensing & Administrative Procedures

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB232** by Guillen (Relating to allowing certain minors convicted of certain alcohol offenses to perform community service instead of attending an alcohol awareness program.), **As Introduced**

Because the bill would not create or impact a state tax or fee, no comment from this office is required by the rules of the House as to the general effects of the proposal on the distribution of tax and fee burdens among individuals and businesses.

Source Agencies:

LBB Staff: UP, KK