

House Bill 232
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 106.115, Alcoholic 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).

No equivalent provision.

SENATE VERSION (CS)

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 institution of higher education or if the court does not consider the defendant to be a resident of the county in which the institution is located, the defendant's residence is the residence listed on the defendant's driver's license or personal identification certificate issued by the Department of Public Safety. If the defendant does not have a driver's license or personal identification certificate issued by the Department of Public Safety, the defendant's residence is the residence on the defendant's voter registration certificate. If the defendant is not registered to vote, the defendant's residence is the

CONFERENCE

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(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. 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.

SENATE VERSION (CS)

residence on file with the public school district on which the defendant's enrollment is based. If the defendant is not enrolled in public school, the defendant's residence is determined as provided by commission rule.

(b-3) The Department of State Health Services shall 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 under Subsection (b-1).

SECTION 2. Same as House version.

CONFERENCE