

By: Burns

H.B. No. 4124

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~~
14 ~~by the Texas Education Agency~~]. On conviction of a minor of an
15 offense under one or more of those sections, the court, in addition
16 to assessing a fine as provided by those sections, shall require a
17 defendant who has not been previously convicted of an offense under
18 one of those sections to attend an alcohol awareness program [~~or a~~
19 ~~drug and alcohol driving awareness program described by this~~
20 ~~subsection~~]. If the defendant has been previously convicted once
21 or more of an offense under one or more of those sections, the court
22 may require the defendant to attend an alcohol awareness program
23 [~~or a drug and alcohol driving awareness program described by this~~
24 ~~subsection~~]. If the defendant is younger than 18 years of age, the

1 court may require the parent or guardian of the defendant to attend
2 the program with the defendant. The Department of State Health
3 Services:

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

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

7 (A) initial certification of the approval; or

8 (B) renewal of the certification;

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

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

13 SECTION 2. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2015.