

By: Neave

H.B. No. 4015

Substitute the following for H.B. No. 4015:

By: Moody

C.S.H.B. No. 4015

A BILL TO BE ENTITLED

AN ACT

relating to criminal offenses regarding the consumption or possession of alcoholic beverages by a minor.

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

SECTION 1. Section 106.04, Alcoholic Beverage Code, is amended by adding Subsections (f), (g), and (h) to read as follows:

(f) Except as provided by Subsection (g), Subsection (a) does not apply to a minor who reports the sexual assault of the minor or another person, or is the victim of a sexual assault reported by another person, to:

(1) a health care provider treating the victim of the sexual assault;

(2) an employee of a law enforcement agency, including an employee of a campus police department of an institution of higher education; or

(3) the Title IX coordinator of an institution of higher education or another employee of the institution responsible for responding to reports of sexual assault.

(g) A minor is entitled to raise the defense provided by Subsection (f) in the prosecution of an offense under this section only if the minor is in violation of this section at the time of the commission of a sexual assault that is:

(1) reported by the minor under Subsection (f); or

(2) committed against the minor and reported by

1 another person under Subsection (f).

2 (h) A minor who commits a sexual assault that is reported
3 under Subsection (f) is not entitled to raise the defense provided
4 by Subsection (f) in the prosecution of the minor for an offense
5 under this section.

6 SECTION 2. Section 106.05, Alcoholic Beverage Code, is
7 amended by adding Subsections (e), (f), and (g) to read as follows:

8 (e) Except as provided by Subsection (f), Subsection (a)
9 does not apply to a minor who reports the sexual assault of the
10 minor or another person, or is the victim of a sexual assault
11 reported by another person, to:

12 (1) a health care provider treating the victim of the
13 sexual assault;

14 (2) an employee of a law enforcement agency, including
15 an employee of a campus police department of an institution of
16 higher education; or

17 (3) the Title IX coordinator of an institution of
18 higher education or another employee of the institution responsible
19 for responding to reports of sexual assault.

20 (f) A minor is entitled to raise the defense provided by
21 Subsection (e) in the prosecution of an offense under this section
22 only if the minor is in violation of this section at the time of the
23 commission of a sexual assault that is:

24 (1) reported by the minor under Subsection (e); or

25 (2) committed against the minor and reported by
26 another person under Subsection (e).

27 (g) A minor who commits a sexual assault that is reported

1 under Subsection (e) is not entitled to raise the defense provided
2 by Subsection (e) in the prosecution of the minor for an offense
3 under this section.

4 SECTION 3. The change in law made by this Act applies only
5 to an offense committed on or after the effective date of this Act.
6 An offense committed before the effective date of this Act is
7 governed by the law in effect on the date the offense was committed,
8 and the former law is continued in effect for that purpose. For
9 purposes of this section, an offense was committed before the
10 effective date of this Act if any element of the offense occurred
11 before that date.

12 SECTION 4. This Act takes effect September 1, 2017.