

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 2, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB4015 by Neave (Relating to criminal offenses regarding the consumption or possession of alcoholic beverages by a minor.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Alcoholic Beverage Code to provide that criminal offenses committed by a minor relating to consumption or possession of an alcoholic beverage would not apply to a minor who reports a sexual assault of a minor or another person to certain health care providers, an employee of a law enforcement agency, or the Title IX coordinator of an institution of higher education.

The bill would provide that a minor is entitled to raise a defense in the prosecution of an offense under Section 106.5, Alcoholic Beverage Code, only if the minor is in violation of the section at the time of the sexual assault.

The bill would also provide that a minor who commits a sexual assault is not entitled to raise the defense in the prosecution of the minor for the offense of consumption or possession of an alcoholic beverage.

It is assumed the costs to implement the provisions of the bill could be absorbed within existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

A Class C misdemeanor is punishable by a fine of not more than \$500. Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact. In addition to the fine, punishment can include up to 180 days of deferred disposition.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 458 Alcoholic Beverage Commission

LBB Staff: UP, FR, KJo, AI, JGA