|  |
| --- |
| BILL ANALYSIS |

|  |
| --- |
| H.B. 3985 |
| By: Huberty |
| Licensing & Administrative Procedures |
| Committee Report (Unamended) |

|  |
| --- |
| **BACKGROUND AND PURPOSE**  Concerns have been raised that the criminal penalty for providing alcohol to a minor who then dies as a result of consuming the alcohol is not severe enough. H.B. 3985 seeks to address these concerns by providing for an increased penalty for such conduct to a third degree felony. |
| **CRIMINAL JUSTICE IMPACT**  It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **RULEMAKING AUTHORITY**  It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution. |
| **ANALYSIS**  H.B. 3985 amends the Alcoholic Beverage Code to remove the element of criminal negligence from all forms of conduct constituting the offense of purchasing alcohol for or furnishing alcohol to a minor. However, the bill retains criminal negligence as an element of the conduct of making alcohol available to a minor for purposes of constituting such an offense. The bill enhances the penalty for the offense from a Class A misdemeanor to a third degree felony if it is shown on the trial of the offense that the person purchased an alcoholic beverage for or gave or made an alcoholic beverage available to a minor who dies as a result of the consumption of the alcoholic beverage. |
| **EFFECTIVE DATE**  September 1, 2021. |