

By: Reynolds

H.B. No. 3442

A BILL TO BE ENTITLED

AN ACT

relating to approved court-ordered alcohol awareness programs.

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

SECTION 1. Sections 106.115(a) and (a-1), Alcoholic Beverage Code, are amended to read as follows:

(a) On the placement of a minor on deferred disposition for an offense under Section 49.02, Penal Code, or under Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court shall require the defendant to successfully complete one of the following programs:

(1) an alcohol awareness program under this section that is regulated under Chapter 171, Government Code; ~~or~~

(2) a substance misuse education program under Section 521.374(a)(1), Transportation Code, that is regulated under Chapter 171, Government Code; or

(3) any six-hour alcohol awareness program approved by the court.

(a-1) On conviction of a minor of an offense under Section 49.02, Penal Code, or Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court, in addition to assessing a fine as provided by those sections, shall require a defendant who has not been previously convicted of an offense under one of those sections to successfully complete a ~~[an alcohol awareness program or a substance misuse education]~~ program described by Subsection (a).

1 If the defendant has been previously convicted once or more of an  
2 offense under one or more of those sections, the court may require  
3 the defendant to successfully complete a [an alcohol awareness  
4 program or a substance misuse education] program described by  
5 Subsection (a).

6 SECTION 2. Article 45A.303(b), Code of Criminal Procedure,  
7 is amended to read as follows:

8 (b) During the deferral period, the judge may require the  
9 defendant to:

10 (1) secure payment of the fine by posting a bond in the  
11 amount of the fine assessed as punishment for the offense;

12 (2) pay restitution to the victim of the offense in an  
13 amount not to exceed the amount of the fine assessed as punishment  
14 for the offense;

15 (3) submit to professional counseling;

16 (4) submit to diagnostic testing for alcohol or a  
17 controlled substance or drug;

18 (5) submit to a psychosocial assessment;

19 (6) successfully complete an alcohol awareness or  
20 substance misuse [~~drug abuse~~] treatment or education program, such  
21 as:

22 (A) a substance misuse [~~drug~~] education program  
23 that is designed to educate persons on the dangers of substance  
24 misuse [~~drug abuse~~] in accordance with Section 521.374(a)(1),  
25 Transportation Code, and that is regulated by the Texas Department  
26 of Licensing and Regulation under Chapter 171, Government Code; or

27 (B) an alcohol awareness program described by

1 Section 106.115, Alcoholic Beverage Code [~~, that is regulated by the~~  
2 ~~Texas Department of Licensing and Regulation under Chapter 171,~~  
3 ~~Government Code~~];

4 (7) pay the costs of any diagnostic testing,  
5 psychosocial assessment, or treatment or education program  
6 participation as reimbursement fees:

7 (A) directly; or

8 (B) through the court as court costs;

9 (8) complete a driving safety course approved under  
10 Chapter 1001, Education Code, or another course as directed by the  
11 judge;

12 (9) present to the court satisfactory evidence that  
13 the defendant has complied with each requirement imposed by the  
14 judge under this subchapter; and

15 (10) comply with any other reasonable condition.

16 SECTION 3. Section 53.03(h-2), Family Code, is amended to  
17 read as follows:

18 (h-2) If the child is alleged to have engaged in delinquent  
19 conduct or conduct indicating a need for supervision that violates  
20 Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07,  
21 Alcoholic Beverage Code, or Section 49.02, Penal Code, deferred  
22 prosecution under this section may include a condition that the  
23 child successfully complete an alcohol awareness program described  
24 by Section 106.115, Alcoholic Beverage Code [~~, that is regulated by~~  
25 ~~the Texas Department of Licensing and Regulation under Chapter 171,~~  
26 ~~Government Code~~].

27 SECTION 4. Section 54.047(b), Family Code, is amended to

1 read as follows:

2 (b) If the court or jury finds at an adjudication hearing  
3 for a child that the child engaged in delinquent conduct or conduct  
4 indicating a need for supervision that violates the alcohol-related  
5 offenses in Section 106.02, 106.025, 106.04, 106.041, 106.05, or  
6 106.07, Alcoholic Beverage Code, or Section 49.02, Penal Code, the  
7 court may order that the child successfully complete an alcohol  
8 awareness program described by Section 106.115, Alcoholic Beverage  
9 Code[, that is regulated by the Texas Department of Licensing and  
10 Regulation under Chapter 171, Government Code].

11 SECTION 5. Sections 106.115(b-1) and (b-2), Alcoholic  
12 Beverage Code, are repealed.

13 SECTION 6. To the extent of any conflict, this Act prevails  
14 over another Act of the 89th Legislature, Regular Session, 2025,  
15 relating to nonsubstantive additions to and corrections in enacted  
16 codes.

17 SECTION 7. This Act takes effect September 1, 2025.