

## **BILL ANALYSIS**

H.B. 1436  
By: Wu  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties contend that current open-container laws increase the likelihood that a driver in possession of an inadequately sealed alcoholic beverage may consume the beverage while operating the vehicle. H.B. 1436 seeks to address this issue by revising the definition of "open container" for purposes of the offense of possessing an alcoholic beverage in a motor vehicle.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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. 1436 amends the Penal Code to redefine "open container," for purposes of the offense of possessing an alcoholic beverage in a motor vehicle, from a bottle, can, or other receptacle that contains any amount of alcoholic beverage and that is open, that has been opened, that has a broken seal, or the contents of which are partially removed to a bottle, can, or other receptacle that contains any amount of alcoholic beverage other than a receptacle that is factory-sealed by the manufacturer of the alcoholic beverage.

### **EFFECTIVE DATE**

September 1, 2017.