

BILL ANALYSIS

H.B. 1999
By: Israel
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerned parties contend that the penalties imposed on certain minors relating to alcoholic beverages strain Texas' criminal justice system and may result in barriers to college acceptance or entry into the workforce for such minors. H.B. 1999 seeks to address this issue by reforming the law regarding the purchase, possession, or consumption of alcoholic beverages by a minor or the misrepresentation of age by a minor.

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. 1999 amends the Alcoholic Beverage Code to remove the criminal penalties for certain multiple violations involving the purchase or attempted purchase of alcohol by a minor, consumption of alcohol by a minor, possession of alcohol by a minor, or misrepresentation of age by a minor. The bill instead makes a minor who commits such a violation liable to the state for a civil penalty in an amount not to exceed \$500. The bill authorizes a judge of a municipal court of a municipality in which or a justice of the peace of a county in which such a violation is alleged to have occurred to hear and determine the case; authorizes the attorney general or the prosecuting attorney in the county in which the violation occurs to bring suit to recover the civil penalty; and requires a civil penalty so collected to be deposited in the state treasury to the credit of the general revenue fund. The bill authorizes a person to discharge the civil penalty by performing community service for not less than 20 or more than 40 hours. The bill limits the Class C misdemeanor offense involving such a violation to a minor who has previously been assessed a civil penalty for such a violation on at least two occasions and who subsequently commits such a violation.

H.B. 1999 changes the conditions under which a minor who violates the prohibition against consuming an alcoholic beverage is ineligible for deferred disposition from the minor having been previously convicted twice or more of violating the prohibition to the minor having been previously convicted two or more times of the Class C misdemeanor offense involving multiple violations of the prohibition under the bill's provisions. The bill removes an exemption from the application of violations involving the consumption or possession of alcohol by a minor for a minor who requested emergency medical assistance in response to the possible alcohol overdose of the minor or another person and instead prohibits the assessment of a civil penalty to and the

prosecution of a minor who makes such a request. The bill clarifies the offenses for which a minor who is placed on deferred disposition must attend an alcohol awareness program.

H.B. 1999 amends the Code of Criminal Procedure, the Family Code, the Penal Code, and the Transportation Code to make conforming changes.

EFFECTIVE DATE

September 1, 2017.