

SUBJECT: Changing age to 19 for expunction of minor's alcohol-related convictions

COMMITTEE: Licensing and Administrative Procedures —favorable, without amendment

VOTE: 5 ayes — Geren, Hamilton, Miles, Quintanilla, Thompson

0 nays

4 absent — Flores, Isett, Goolsby, Jones

SENATE VOTE: On final passage, April 26 — 28-2 (Nichols, Shapiro)

WITNESSES: No public hearing

BACKGROUND: Alcoholic Beverage Code, secs. 106.02, 106.025, 106.04, and 106.05 prohibit minors from purchasing, attempting to purchase, consume or possess alcohol respectively. A first offense of these sections is punished as a class C misdemeanor (maximum fine of \$500) under Alcoholic Beverage Code, sec. 106.071. A second offense is subject to a penalty of a fine of at least \$250 up to \$2,000, confinement in jail for up to 180 days, or the fine or the confinement.

Alcoholic Beverage Code, sec. 106.12 allows for a petition to the court where the conviction occurred to expunge the record of a conviction as a minor for an alcohol-related offense if the person:

- has not been convicted of subsequent alcohol-related offenses;
- is 21 years or older; and
- pays a \$30 court fee to defray the cost of notifying state agencies of the expungement.

DIGEST: SB 665 would amend Alcoholic Beverage Code, sec. 106.12 to provide that a person could expunge the record of a conviction under Alcoholic Beverage Code, secs. 106.02, 106.025, 106.04, and 106.05 if:

- one year had elapsed since the date of the offense;

- the person was now at least 19 years of age; and
- the person had not been convicted of any other alcohol-related offenses.

SB 665 also would make revisions to Alcoholic Beverage Code, sec. 106.12 to change the references to “expungement” to “expunction.”

The bill would apply only to petitions filed on or after it would take effect on September 1, 2007.

**SUPPORTERS  
SAY:**

Minors should not have to wait until they turn 21 to expunge records of alcohol-related offenses as a minor. By the time they are 19 years old, they might be applying for a first-time job or to admission to a school. They should not be punished by having a youthful indiscretion appear on their record. SB 665 would set a strict standard for expunction, requiring that at least one year have passed since the initial violation and no other offenses have occurred. Those who have mended their ways, especially as youths, should have a second chance.

SB 665 would allow for the expunction only for violations that are “status” offenses or dependent only on the person's age. Adults over the age of 21 can purchase, consume, and possess alcoholic beverages legally. So records of offenses as a minor should not continue to follow the person.

**OPPONENTS  
SAY:**

While the law considers those older than 18 to be adults, they cannot legally drink until they turn 21 years of age. The current standard for seeking expunction should be retained to ensure that first-time offenders will not continue to violate the laws against consumption by under-aged persons. Studies show that a significant portion of those between 18 and 21 illegally consume alcohol, and someone who is 19 years of age may still not be mature and able to make good judgments about abiding by alcohol laws.