

BILL ANALYSIS

Senate Research Center
76R6182 PEP-D

S.B. 528
By: West
Criminal Justice
3/8/1999
As Filed

DIGEST

The 75th Legislature passed Senate Bill 35 relating to underage drinking violations and creating a separate offense for a minor driving under the influence of alcohol. S.B. 528 establishes civil and criminal consequences of certain actions of a minor involving the acquisition, possession, or use of alcohol, and provides penalties.

PURPOSE

As proposed, S.B. 528 establishes civil and criminal consequences of certain actions of a minor involving the acquisition, possession, or use of alcohol, and provides penalties.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 106.04 (d), Alcoholic Beverage Code, to establish that a minor who commits certain offenses is not eligible for deferred disposition, rather than adjudication. Makes a conforming change.

SECTION 2. Amends Sections 106.041(f) and (h), Alcoholic Beverage Code, to make conforming changes.

SECTION 3. Amends Section 106.071, Alcoholic Beverage Code, by amending Subsections (d) and (f) and adding Subsections (h) and (i), to require the court, in addition to any fine and any order issued under Section 106.115, to order a minor placed on deferred disposition for or convicted of an offense to which this section applies to perform community service, and requires the court to order the Department of Public Safety to suspend or deny a minor's driver's license or permit for a certain amount of time. Establishes that a driver's license suspension takes effect on the 11th day after the date the minor is convicted. Provides that a defendant who is not a child and has been previously convicted at least twice of an offense to which this section applies is not eligible to receive a deferral of final disposition of a subsequent offense. Makes a conforming change.

SECTION 4. Amends Section 106.115(a), Alcoholic Beverage Code, to require the court to require a minor on deferred disposition for certain offenses to attend an alcohol awareness program approved by the Texas Commission on Alcohol and Drug Abuse. Requires the court to require a minor convicted of one or more of certain offenses to attend the alcohol awareness program, in addition to any fines assessed. Makes conforming changes.

SECTION 5. Amends Section 106.117(a), Alcoholic Beverage Code, to make a conforming change.

SECTION 6. Amends Section 521.457(a), Transportation Code, to make conforming changes.

SECTION 7. Effective date: September 1, 1999.

SECTION 8. Emergency clause.