

BILL ANALYSIS

Senate Research Center
83R8624 MCK-D

H.B. 232
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Alcoholic Beverage Code states that a minor placed on a deferred disposition or a minor convicted of an alcohol related offense is required to attend an alcohol awareness course approved by the court. Defendants in rural areas, however, may not have access to such a course due to a lack of approved providers in their community. Consequently, these individuals would have to travel long distances in order to meet these requirements. H.B. 232 authorizes a court to allow a defendant who resides in rural counties without easy access to an alcohol awareness program to take an online alcohol awareness program if the Department of State Health Services approves online courses or perform not less than eight hours of alcohol-related community service. H.B. 232 defines a rural county as a county with a population of 25,000 people or less.

H.B. 232 amends current law relating to allowing certain minors convicted of certain alcohol offenses to perform community service instead of attending an alcohol awareness program.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 106.115, Alcoholic Beverage Code, by adding Subsections (b-1) and (b-2), as follows:

(b-1) Authorizes a court, if a defendant resides in a county with a population of 25,000 or less and access to an alcohol awareness program is not readily available in the county or an adjacent county, to allow the defendant to take an online alcohol awareness program if the Department of State Health Services (DSHS) approves online courses or require the defendant to perform not less than eight hours of alcohol-related community service approved by DSHS under Subsection (b-2) instead of attending the alcohol awareness program. Provides that community service ordered under this subsection is in addition to community service ordered under Section 106.071(d) (relating to requiring a court to order certain minors to perform community service as a punishment for an alcohol-related offense).

(b-2) Requires DSHS to create a list of alcohol-related community services in each county in the state to which a judge is authorized to sentence a defendant under Subsection (b-1).

SECTION 2. Effective date: upon passage or September 1, 2013.