

BILL ANALYSIS

Senate Research Center
83R26577 MCK-F

C.S.H.B. 232
By: Guillen (Zaffirini)
Criminal Justice
5/16/2013
Committee Report (Substituted)

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.

C.S.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

Rulemaking authority is expressly granted to the Texas Alcoholic Beverage Commission in SECTION 1 (Section 106.115, Alcoholic Beverage Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 106.115, Alcoholic Beverage Code, by adding Subsections (b-1), (b-2), and (b-3), as follows:

(b-1) Authorizes a court, if a defendant resides in a county with a population of 75,000 or less and access to an alcohol awareness program is not readily available in the 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 community service related to alcohol abuse prevention or treatment and approved by DSHS under Subsection (b-3) 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) Authorizes a court, for purposes of Subsection (b-1), if the defendant is enrolled in an institution of higher education located in a county in which access to an alcohol awareness program is readily available, to consider the defendant to be a resident of that county. Provides that if the defendant is not enrolled in such an institution of higher education or if the court does not consider the defendant to be a resident of the county in which the institution is located, the defendant's residence is the residence listed on the defendant's driver's license or personal identification certificate issued by the Department of Safety of the State of Texas (DPS). Provides that if the defendant does not have a driver's license or personal identification certificated issued by DPS, the defendant's residence is the residence on the defendant's voter registration certificate. Provides that if the defendant is not registered to vote, the defendant's residence is the residence on file with the public school district on which the defendant's enrollment is based. Provides that if the defendant is not enrolled in public school, the defendant's residence is determined as provided by Texas Alcoholic Beverage Commission rule.

(b-3) Requires DSHS to create a list of community services related to alcohol abuse prevention or treatment 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.