

SUBJECT: Consumption of alcohol on a public transportation system

COMMITTEE: Criminal Jurisprudence — favorable, with amendments

VOTE: 7 ayes — Place, Talton, Greenberg, Nixon, Pickett, Pitts, Solis

0 nays

2 absent — Farrar, Hudson

SENATE VOTE: On final passage, March 27 — 30-0

WITNESSES: For — Andres Torres; Jeanette Espinoza; Gustavo T. Rodriguez,  
Amalgamated Transit Union #694

Against — None

DIGEST: SB 431, as amended, would create an enhanced punishment for a second conviction of public intoxication on the premises of a metropolitan or regional transit authority or a city transit department. The punishment would be enhanced from a Class C misdemeanor, punishable by a maximum penalty of a \$500 fine, to a Class B misdemeanor, punishable by a maximum penalty of 180 days in jail and a \$2,000 fine.

The bill also would authorize a transit authority or department, by resolution of its board, to prohibit the consumption of an alcoholic beverage on the premises of the authority or department. A violation of this prohibition would be a Class C misdemeanor.

Provisions and rules of the Alcoholic Beverage Code and the Alcoholic Beverage Commission would prevail in any conflict with the bill or rules adopted to enforce it. No standard could be adopted that was more stringent or had the effect of modifying a provision, standard, or rule of the code or commission.

The enhancement in punishment for public intoxication on the premises of a transit authority would apply only to an offense committed on or after the

effective date of the section, September 1, 1995. An offense committed before the effective date would be covered by previous law.

The remainder of the bill would take immediate effect if approved by two-thirds of the membership of each house.

**SUPPORTERS  
SAY:**

Alcohol-related incidents on public transit systems have increased in the past few months. This legislation would allow enhanced punishment for persons convicted of a second offense of public intoxication while on the premises of a transit system. While the consumption of alcohol is prohibited on most transit systems, it is practically impossible to enact local and county ordinances in every jurisdiction consistently prescribing the penalties and prohibitions. SB 431 would provide consistent and uniform punishments and prohibitions relating to the consumption of alcohol.

**OPPONENTS  
SAY:**

The committee amendment would weaken the proposed punishment for conviction of public intoxication on a transit system's property by enhancing only a second offense. The Legislature should protect the riding public by promoting a zero-tolerance policy for public intoxication on transit property.

**NOTES:**

The committee amendment would apply the higher penalty for a public intoxication offense to a second conviction rather than a first offense.