

BILL ANALYSIS

Senate Research Center
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H.B. 1357
By: Flores (To Be Filed)
Criminal Justice
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, an adult convicted of giving alcohol to or buying alcohol for a minor is guilty of a Class A misdemeanor, punishable only by monetary fines or jail time. H.B. 1357 addresses recommendations of the House Licensing & Administrative Procedures Committee, which was charged during the interim to study ways to reduce the incidence of underage drinking in Texas. This legislation is aimed at noncommercial adult providers who have been shown through research to be the principal suppliers of alcohol to underage drinkers. Recent studies by The Century Council reveal that 65 percent of underage youth who drink obtain their alcohol from an adult or someone they know who is 21 or over.

H.B. 1357 increases the drivers' license suspension for minors from 30 days to 180 days on a first conviction and from 60 days to one year on second or subsequent convictions. The bill also requires the suspension of an adult's driver's license for a specified term upon a conviction of furnishing alcohol to a minor.

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 106.071(d), Alcoholic Beverage Code, to require the court to order the Department of Public Safety (DPS) to suspend the driver's license or permit of a minor convicted of an offense to which this section applies or, if the minor does not have a driver's license or permit, to deny the issuance of a driver's license or permit for 180 days, rather than 30 days, if the minor has not been previously convicted of an offense to which this section applies; or one year, rather than 60 days, if the minor has been previously convicted one or more times. Deletes text existing text.

SECTION 2. Amends Section 106.115(d), Alcoholic Beverage Code, to require the court to order DPS, if the defendant does not present the required evidence within the prescribed period, to suspend the defendant's driver's license or permit for a period not to exceed one year or, if the defendant does not have a license or permit, to deny the issuance of a license or permit to the defendant for that period if the defendant has been previously convicted of an offense under one or more of the sections listed in Subsection (a). Makes nonsubstantive changes.

SECTION 3. Amends Section 521.343(a), Transportation Code, to include Section 521.351 as among the exceptions to the provision that a suspension under this subchapter is for one year.

SECTION 4. Amends Subchapter O, Chapter 521, Transportation Code, by adding Section 521.351, as follows:

Sec. 521.351. PURCHASE OF ALCOHOL FOR MINOR OR FURNISHING ALCOHOL TO MINOR: AUTOMATIC SUSPENSION; LICENSE DENIAL. (a) Provides that a person's driver's license is automatically suspended on final conviction of an offense under Section 106.06 (Purchase of Alcohol for a Minor; Furnishing Alcohol to a Minor), Alcoholic Beverage Code.

(b) Prohibits TxDOT from issuing a driver's license to a person convicted of an offense under Section 106.06, Alcoholic Beverage Code, who, on the date of the conviction, did not hold a driver's license.

(c) Sets forth the period of suspension under this section.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2005.