

## **BILL ANALYSIS**

Senate Research Center  
83R8036 MCK-D

H.B. 1020  
By: Reynolds (Huffman)  
Criminal Justice  
5/13/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

While the Texas Department of State Health Services (DSHS) certifies Drug and Alcohol Driving Awareness Programs (DADAP), the law has been unclear as to whether the Texas Education Agency (TEA) regulated DADAP courses are considered state-approved. As its name implies, DADAP is a course that teaches about the dangers of driving after using drugs and/or alcohol. The course also teaches about Texas driving while intoxicated laws and defensive driving strategies, as well as how alcohol affects a person's body and mind generally.

H.B. 1020 seeks to clarify this issue by authorizing TEA regulated DADAP courses to be deemed as state approved by amending Section 106.115 (Attendance at Alcoholic Awareness Course; License Suspension), Alcoholic Beverage Code. This will end any confusion for citizens, courts, and judges, and will create a much larger network of quality courses to ensure that defendants get the education they need to effectively reduce recidivism.

H.B. 1020 amends current law relating to the certification of alcohol awareness programs required for minors convicted of or receiving deferred disposition for certain alcohol offenses.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Commission on Alcohol and Drug Abuse is transferred to the Department of State Health Services in SECTION 1 (Section 106.115, Alcoholic Beverage Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 106.115(a), Alcoholic Beverage Code, as follows:

(a) Requires the court, on the placement of a minor on deferred disposition for an offense under Section 49.02 (Public Intoxication), Penal Code, or under Section 106.02 (Purchase of Alcohol by a Minor), 106.025 (Attempt to Purchase Alcohol by a Minor), 106.04 (Consumption of Alcohol by a Minor), 106.041 (Driving or Operating Watercraft Under the Influence of Alcohol), 106.05 (Possession of Alcohol by a Minor), or 106.07 (Misrepresentation of Age by a Minor), to require the defendant to attend an alcohol awareness program approved by the Department of State Health Services (DSHS) under this section or a drug and alcohol driving awareness program approved by the Texas Education Agency, rather than the Texas Commission on Alcohol and Drug Abuse (TCADA). Requires the court, in addition to assessing a fine as provided by those sections, on conviction of a minor of an offense under one or more of those sections, to require a defendant who has not been previously convicted of an offense under one of those sections to attend an alcohol awareness program or a drug and alcohol driving awareness program described by this subsection. Authorizes the court, if the defendant has been previously convicted once or more of an offense under one or more of those sections, to require the defendant to attend an alcohol awareness program or a drug and alcohol driving awareness program described by this subsection. Authorizes the court, if the defendant is younger than 18 years of age, to require the parent or guardian of the defendant to attend the program with the defendant. Provides that DSHS, rather than TCADA:

- (1) is responsible for the administration of the certification of approved alcohol awareness programs;
- (2) is authorized to charge a nonrefundable application fee for initial certification of the approval or renewal of the certification;
- (3) is required to adopt rules regarding alcohol awareness programs approved under this section; and
- (4) is required to monitor, coordinate, and provide training to a person who provides an alcohol awareness program.

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