

BILL ANALYSIS

H.B. 3985
By: Huberty
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised that the criminal penalty for providing alcohol to a minor who then dies as a result of consuming the alcohol is not severe enough. H.B. 3985 seeks to address these concerns by providing for an increased penalty for such conduct to a third degree felony.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3985 amends the Alcoholic Beverage Code to remove the element of criminal negligence from all forms of conduct constituting the offense of purchasing alcohol for or furnishing alcohol to a minor. However, the bill retains criminal negligence as an element of the conduct of making alcohol available to a minor for purposes of constituting such an offense. The bill enhances the penalty for the offense from a Class A misdemeanor to a third degree felony if it is shown on the trial of the offense that the person purchased an alcoholic beverage for or gave or made an alcoholic beverage available to a minor who dies as a result of the consumption of the alcoholic beverage.

EFFECTIVE DATE

September 1, 2021.