

- SUBJECT:** Alcohol awareness classes for certain minors on deferred disposition
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 8 ayes — Hinojosa, Dunnam, Garcia, Green, Keel, Nixon, Smith, Wise  
0 nays  
1 absent — Talton
- SENATE VOTE:** On final passage, March 18 — voice vote
- WITNESSES:** No public hearing
- BACKGROUND:** Under most circumstances, when a person has pleaded guilty or nolo contendere to a criminal misdemeanor charge that carries a penalty of only a fine, municipal and justice court judges may defer further proceedings and place the defendant on community supervision (probation). In this situation, no adjudication of guilt has occurred, and a person is said to be on *deferred disposition*. Judges may require defendants to comply with reasonable conditions of community supervision. If defendants violate conditions of their community supervision, judges may proceed with an adjudication of guilt and may impose the full range of punishments available for the offense. If a defendant successfully completes the deferred disposition, the judge must dismiss the complaint.
- DIGEST:** SB 528 would extend certain requirements that apply to minors convicted of alcohol-related offenses to minors placed on deferred disposition for alcohol-related offenses. Courts would have to order minors placed on deferred disposition to perform community service and to order their driver's licenses or permits suspended. A driver's license suspension in these cases would take effect on the 11th day after the minor was convicted.
- The bill would extend the requirement that juveniles convicted of certain alcohol-related offenses attend alcohol awareness programs to apply to minors placed on deferred disposition for these offenses. It would extend the alcohol awareness requirement to minors convicted of or placed on deferred disposition for public intoxication.

Defendants who were not children and who previously had been convicted at least twice of an alcohol-related offense would not be eligible to receive a deferral of final disposition of subsequent offenses.

SB 528 would make it an offense for a minor to operate a motor vehicle on a highway after having a license suspended or revoked as a punishment for an alcohol-related offense by a minor. The offense would be a misdemeanor punishable by a fine of between \$100 and \$500 and a county jail term of 72 hours to six months.

The bill would take effect September 1, 1999.

**SUPPORTERS  
SAY:**

SB 528 would give courts another tool to combat the serious problem of juveniles illegally drinking and possessing alcohol. The bill would apply to juveniles given deferred disposition the same common-sense requirement to attend an alcohol awareness class that now applies to juveniles convicted of certain offenses. A uniform, statewide requirement is necessary to ensure that all juveniles involved in alcohol offenses are informed about the potential hazards of alcohol use. Ensuring that all juveniles receive this information could reduce future offenses and enhance public safety.

The bill would set a deadline for license suspensions to take effect to ensure the uniform, quick application of this punishment.

**OPPONENTS  
SAY:**

SB 528 unwisely would reduce judicial discretion by requiring courts to send certain juveniles given deferred disposition to alcohol awareness classes. Judges should retain authority to make decisions about these cases as they see fit. It could be especially inappropriate to mandate requirements for juveniles given deferred dispositions, since in many of these cases, circumstances have persuaded prosecutors to put off a final adjudication.