

SUBJECT: Making providing alcohol to minors a third-degree felony in certain cases

COMMITTEE: Licensing and Administrative Procedures — favorable, without amendment

VOTE: 8 ayes — S. Thompson, Darby, Ellzey, Fierro, Geren, Goldman, Guillen, Huberty

0 nays

3 absent — Kuempel, Hernandez, Pacheco

WITNESSES: For — Lisa Ellis; Paul Ellis; (*Registered, but did not testify*: Ray Hunt, HPOU; Dallas Reed, Texas Municipal Police Association)

Against — (*Registered, but did not testify*: Calvin Tillman)

BACKGROUND: Alcoholic Beverage Code sec. 106.06(a) as amended by ch. 437 (SB 55) and ch. 934 (HB 1445), Acts of the 73rd Legislature, makes it a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) to purchase an alcoholic beverage for or give or with criminal negligence make available an alcoholic beverage to a minor with criminal negligence.

Some have suggested that the criminal penalty for providing alcohol to a minor who then died as a result of consuming the alcohol should be higher than provided for by current law.

DIGEST: HB 3985 would be known as Matthew's Law and would raise the offense described by Alcoholic Beverage Code sec. 106.06(a) from a class A misdemeanor to a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000) if it was shown on trial that the person purchased an alcoholic beverage for or gave or made available such a beverage to a minor who died as a result of consuming the beverage.

The bill would re-enact sec. 106.06(a) as amended by ch. 437 (SB 55) and ch. 934 (HB 1445), Acts of the 73rd Legislature, and amend the statute to

remove a reference to the element of criminal negligence.

The bill would take effect September 1, 2021, and would apply only to an offense committed on or after that date.