

BILL ANALYSIS

Senate Research Center

H.B. 3441
By: Kubiak (Cain)
State Affairs
5-14-97
Engrossed

DIGEST

The Alcoholic Beverage Commission utilizes minors generally in the age range of 14 to 18 years when conducting stings to identify retailers who sell alcoholic beverages to children. Approximately 35 percent to 50 percent of the licensed locations are selling alcohol to minors. The commission's use of minors has been challenged in court because the commission does not have statutory authority to use minors. H.B. 3441 would give the commission statutory authority to utilize minors in the conduct of sting operations identifying retailers who sell alcoholic beverages to minors.

PURPOSE

As proposed, H.B. 3441 outlines provisions regarding the offense of purchase or possession of alcohol by a minor.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 106.02(a), Alcoholic Beverage Code, to provide that a minor does not commit an offense if the minor purchases an alcoholic beverage under the immediate supervision of a commissioned peace officer engaged in enforcing the provisions of this code. Makes a change to inclusive language.

SECTION 2. Amends Section 106.05(b), Alcoholic Beverage Code, to authorize a minor to possess an alcoholic beverage if the minor is under the immediate supervision of a commissioned peace officer engaged in enforcing the provisions of this code.

SECTION 3. Emergency clause.
Effective date: upon passage.