

# The Alcoholic Beverage Code Sections Referencing Minors

## CHAPTER 106. PROVISIONS RELATING TO AGE

### Sec. 106.071. PUNISHMENT FOR ALCOHOL-RELATED OFFENSE BY MINOR

(a) This section applies to an offense under Section 106.02, 106.025, 106.04, 106.05, or 106.07.

(b) Except as provided by Subsection (c), an offense to which this section applies is a Class C misdemeanor.

(c) If it is shown at the trial of the defendant that the defendant is a minor who is not a child and who has been previously convicted at least twice of an offense to which this section applies, the offense is punishable by:

- (1) a fine of not less than \$250 or more than \$2,000;
- (2) confinement in jail for a term not to exceed 180 days; or
- (3) both the fine and confinement.

(d) In addition to any fine and any order issued under Section 106.115:

(1) the court shall order a minor placed on deferred disposition for or convicted of an offense to which this section applies to perform community service for:

- (A) not less than eight or more than 12 hours, if the minor has not been previously convicted of an offense to which this section applies; or
- (B) not less than 20 or more than 40 hours, if the minor has been previously convicted once of an offense to which this section applies; and

(2) the court shall order the Department of Public Safety to suspend the driver's license or permit of a minor convicted of an offense to which this section applies or, if the minor does not have a driver's license or permit, to deny the issuance of a driver's license or permit for:

- (A) 30 days, if the minor has not been previously convicted of an offense to which this section applies;
- (B) 60 days, if the minor has been previously convicted once of an offense to which this section applies; or
- (C) 180 days, if the minor has been previously convicted twice or more of an offense to which this section applies.

(e) Community service ordered under this section must be related to education about or prevention of misuse of alcohol if programs or services providing that education are available in the community in which the court is located. If programs or services providing that education are not available, the court

may order community service that it considers appropriate for rehabilitative purposes.

**(f) In this section:**

**(1) a prior adjudication under Title 3, Family Code, that the minor engaged in conduct described by this section is considered a conviction; and**

**(2) a prior order of deferred disposition for an offense alleged under this section is considered a conviction.**

**(g) In this section, "child" has the meaning assigned by Section 51.02, Family Code.**

**(h) A driver's license suspension under this section takes effect on the 11th day after the date the minor is convicted.**

**(i) A defendant who is not a child and who has been previously convicted at least twice of an offense to which this section applies is not eligible to receive a deferred disposition or deferred adjudication.**

*NOTE: Sec. 106.071 (f) and (i) amended by House Bill 1575, Regular Session, 2005. Except as otherwise provided by this section, this Act applies only to conduct that occurs on or after September 1, 2005. Conduct violating the penal law of this state occurs on or after September 1, 2005, if any element of the violation occurs on or after that date. Conduct that occurs before September 1, 2005, is governed by the law in effect at the time the conduct occurred, and that law is continued in effect for that purpose.*