

ALCOHOL-RELATED OFFENSES INVOLVING MINORS

OFFENSE	FINE/PENALTY 1ST CONVICTION	FINE/PENALTY 2ND CONVICTION	FINE/PENALTY 3RD + CONVICTIONS
§ 106.02 Purchase of Alcohol	<ul style="list-style-type: none"> ★ Fine \$1-\$500 ★ Mandatory alcohol awareness ★ Community service: 8-12 hours ★ 30 day driver's license suspension 	<ul style="list-style-type: none"> ★ Fine \$1-\$500 ★ Mandatory alcohol awareness ★ Community service: 20-40 hours ★ 60 day driver's license suspension 	<ul style="list-style-type: none"> ★ Fine not less than \$250 or more than \$2,000; or ★ Confinement in jail for up to 180 days; or ★ BOTH ★ Mandatory alcohol awareness ★ 180 day driver's license suspension <p>A Defendant who is not a child is not eligible for deferred disposition</p>
§ 106.25 Attempt to Purchase Alcohol	Same as Above	Same as Above	Same as Above
§ 106.05 Possession of Alcohol	Same as Above	Same as Above	Same as Above
§ 106.07 Misrepresentation of Age	Same as Above	Same as Above	Same as Above
§ 49.02 Public Intoxication	Same as Above	Same as Above	Same as Above
§ 106.04 Consumption of Alcohol	Same as Above	Same as Above	Same as Above
§ 106.041 Driving Under the Influence of Alcohol	<ul style="list-style-type: none"> ★ Fine \$1-\$500 ★ Mandatory alcohol awareness ★ Community service: 20-40 hours ★ 60 day driver's license suspension 	<ul style="list-style-type: none"> ★ Fine \$1-\$500 ★ Mandatory alcohol awareness ★ Community service: 40-60 hours ★ 60 day driver's license suspension 	<ul style="list-style-type: none"> ★ Fine not less than \$500 or more than \$2,000; or ★ Confinement in jail for up to 180 days; or ★ BOTH ★ Community service: 40-60 hours <p>A minor is not eligible for deferred disposition</p>

Alcoholic Beverage Code

§ 106.01. DEFINITION.

In this code, "minor" means a person under 21 years of age.

§ 106.10. PLEA OF GUILTY BY MINOR.

No minor may plead guilty to an offense under this chapter except in open court before a judge.

§ 106.02. PURCHASE OF ALCOHOL BY A MINOR.

A minor commits an offense if the minor purchases an alcoholic beverage. 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.

§ 106.025. ATTEMPT TO PURCHASE ALCOHOL BY A MINOR.

A minor commits an offense if, with specific intent to commit an offense under Section 106.02 of this code, the minor does an act amounting to more than mere preparation that tends but fails to effect the commission of the offense intended.

§ 106.04. CONSUMPTION OF ALCOHOL BY A MINOR.

A minor commits an offense if he consumes an alcoholic beverage. A minor who commits an offense under this section and who has been previously convicted twice or more of offenses under this section is not eligible for deferred disposition.

§ 106.05. POSSESSION OF ALCOHOL BY A MINOR.

A minor commits an offense if he possesses an alcoholic beverage.

§ 106.07. MISREPRESENTATION OF AGE BY A MINOR.

A minor commits an offense if he falsely states that he is 21 years of age or older or presents any document that indicates he is 21 years of age or older to a person engaged in selling or serving alcoholic beverages.

§ 106.041. DRIVING UNDER THE INFLUENCE OF ALCOHOL BY MINOR.

A minor commits an offense if the minor operates a motor vehicle in a public place while having any detectable amount of alcohol in the minor's system. 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 under this section, the offense is a Class B misdemeanor.

§ 106.071. PUNISHMENT FOR ALCOHOL-RELATED OFFENSE BY MINOR.

An offense under Section 106.02, 106.025, 106.04, 106.05, or 106.07 is a Class C misdemeanor, except, if it is shown at trial 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 a Class B misdemeanor.

In addition to any fine and any order to attend an alcohol awareness course the court shall order a minor placed on deferred disposition or convicted of an offense to perform community service. Community service ordered under this section must be related to education about or prevention of misuse of alcohol.

The court shall order the Department of Public Safety to suspend the driver's license or permit of a minor convicted of an offense, if the minor does not have a driver's license or permit, to deny the issuance of a driver's license or permit. A driver's license suspension under this section takes effect on the 11th day after the date the minor is convicted.

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.

§ 106.115. ATTENDANCE AT ALCOHOL AWARENESS COURSE; LICENSE SUSPENSION.

On the placement of a minor on deferred disposition for an offense under Section 49.02, Penal Code, or under Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court shall require the defendant to attend an alcohol awareness program approved by the Texas Commission on Alcohol and Drug Abuse.

On conviction of a minor of an offense under one or more of those sections, the court, in addition to assessing a fine as provided by those sections, shall require a defendant who has not been previously convicted of an offense under one of those sections to attend the alcohol awareness program.

If the defendant has been previously convicted once or more of an offense under one or more of those sections, the court may require the defendant to attend the alcohol awareness program. If the defendant is younger than 18 years of age, the court may require the parent or guardian of the defendant to attend the program with the defendant.

To find an alcohol awareness course near you go on-line at:

http://www.dshs.state.tx.us/offendered/oe_rosters.shtm.

§ 106.12. EXPUNGEMENT OF CONVICTION OF A MINOR.

Any person convicted of not more than one violation of this code while a minor, on attaining the age of 21 years, may apply to the court in which he was convicted to have the conviction expunged. The application shall contain the applicant's sworn statement that he was not convicted of any violation of this code while a minor other than the one he seeks to have expunged. The court shall charge an applicant a fee in the amount of \$30 for each application for expungement filed under this section.

Penal Code

§ 49.02. PUBLIC INTOXICATION.

A person commits an offense if the person appears in a public place while intoxicated to the degree that the person may endanger the person or another. **An offense under this section committed by a person younger than 21 years of age is punishable in the same manner as if the minor committed an offense to which Section 106.071, Alcoholic Beverage Code, applies.**