

## Consequences for Alcohol-Related Offenses Committed by Minors (Under 21 Years Old) Chapter 106, Alcoholic Beverage Code (ABC)

OFFENSE	FIRST CONVICTION	SECOND CONVICTION	THIRD OR SUBSEQUENT CONVICTION
Purchase of Alcohol by Minor § 106.02, ABC	<u>§ 106.071, ABC:</u>	<u>§ 106.071, ABC:</u>	<u>§ 106.071, ABC:</u>
Attempt to Purchase Alcohol by Minor § 106.025, ABC	<ul style="list-style-type: none"> <li>Fine: \$1 - \$500 (Class C Misdemeanor)</li> <li>Alcohol/drug awareness program pursuant to § 106.115, ABC</li> <li>Community service: 8-12 hours</li> <li>Suspend or deny issuance of license/permit for 30 days (Order to DPS; takes effect on the 11<sup>th</sup> day after conviction)</li> </ul>	<ul style="list-style-type: none"> <li>Fine: \$1 - \$500 (Class C Misdemeanor)</li> <li>Optional for Court: Alcohol/drug awareness program pursuant to § 106.115, ABC</li> <li>Community service: 20-40 hours</li> <li>Suspend or deny issuance of license/permit for 60 days (Order to DPS; takes effect on the 11<sup>th</sup> day after conviction)</li> </ul>	<ul style="list-style-type: none"> <li>Court only has jurisdiction if defendant is under age 17</li> <li>Fine: \$1 - \$500 (Class C Misdemeanor)</li> <li>Optional for Court: Alcohol/drug awareness program pursuant to § 106.115, ABC</li> <li>Suspend or deny issuance of license/permit for 180 days (Order to DPS; takes effect on the 11<sup>th</sup> day after conviction)</li> </ul>
Consumption of Alcohol by Minor § 106.04, ABC			
Possession of Alcohol by Minor §106.05, ABC			
Misrepresentation of Age by Minor § 106.07, ABC			
Public Intoxication by Minor § 49.02, Penal Code			NOT eligible for deferred disposition if offense is Consumption of Alcohol (§ 106.04, ABC)
DUI by Minor § 106.041, ABC	<u>§ 106.041, ABC:</u> <ul style="list-style-type: none"> <li>Fine: \$1-\$500 (Class C Misdemeanor)</li> <li>Alcohol/drug awareness program pursuant to § 106.115, ABC</li> <li>Community service: 20-40 hours</li> <li>(License automatically suspended upon arrest by DPS – Court does not order)</li> </ul>	<u>§ 106.041, ABC:</u> <ul style="list-style-type: none"> <li>Fine: \$1-\$500 (Class C Misdemeanor)</li> <li>Optional for court: Alcohol/drug awareness program pursuant to § 106.115, ABC</li> <li>Community service: 40-60 hours</li> <li>(License automatically suspended upon arrest by DPS – court does not order)</li> </ul>	<u>§ 106.041, ABC:</u> <ul style="list-style-type: none"> <li>Court only has jurisdiction if defendant is under age 17</li> <li>Fine: \$1 - \$500 (Class C Misdemeanor)</li> <li>Optional for Court: Alcohol/drug awareness program pursuant to § 106.115, ABC</li> <li>Community service: 40-60 hours</li> <li>(License automatically suspended upon arrest by DPS – court does not order)</li> </ul>

**NOTE:** For the purpose of counting the number of convictions to determine which column applies, the following are considered “convictions:”

-A prior adjudication in juvenile court under Title 3, Family Code, that a minor engaged in this conduct.

-A prior order of deferred disposition for the offense.

**Except** that for the purpose of determining if the alcohol/drug awareness program is mandatory or discretionary, only “actual convictions” count.

**NOTE:** Community service must be related to education about or prevention of misuse of alcohol/drugs, or, if programs/services providing that education are not available, the court may order community service that it considers appropriate for rehabilitative purposes. In some cases, **additional** community service may be ordered in lieu of an awareness program, pursuant to the requirements of § 106.115.



## **Consequences for Alcohol-Related Offenses Committed by Minors (Under 21 Years Old) Chapter 106, Alcoholic Beverage Code (ABC)**

### **Deferred Disposition for Alcohol-Related Cases Involving Minors – § 106.071; 106.115, ABC**

If a minor is placed on deferred disposition for an offense to which § 106.071, ABC, applies, the court SHALL order the minor to perform community service as set out on the chart above.

If a minor is placed on deferred disposition for an offense under § 49.02, Penal Code, or § 106.02, .025, .04, .041, .05, or .07, ABC, the court SHALL order the minor to complete an alcohol/drug awareness program as set out on the chart above.

For any case where a minor is placed on deferred disposition, any reasonable condition MAY be ordered, which could include community service and/or an alcohol/drug awareness program even when one or both of those is not required.

### **Result of Completing or Not Completing Alcohol/Drug Awareness Course After Final Conviction – § 106.115, ABC**

If the defendant **presents the required evidence** of successful completion of the required alcohol/drug awareness program (or *extra* community service in lieu of program where allowed) within 90 days from final conviction (but the court may extend for an additional 90 days for good cause), the court **MAY** reduce the assessed fine to an amount equal to no less than 1/2 of the amount of the initial fine.

If the defendant **does not** present the required evidence within the prescribed period, the court:

- (1) **SHALL** order the Department of Public Safety to suspend/deny issuance of the defendant's driver's license/permit for up to six months; or for up to one year if the defendant has been previously convicted of an offense under one or more of the Code sections listed on the chart above. (*Note: This is in addition to any suspension as a result of conviction as described in the chart above.*)
- (2) **MAY** order the defendant or the parent, managing conservator, or guardian of the defendant to do any act or refrain from doing any act if the court determines that this will increase the likelihood that the defendant will present evidence to the court of satisfactory completion of the alcohol/drug awareness program (or the *extra* community service in lieu of the program where allowed).

### **Expunction of Conviction or Arrest Records – § 106.12, ABC**

**Conviction:** Any person convicted of only one violation of any offense under Chapter 106 while a minor, on attaining the age of 21 years, may have that conviction, together with all complaints, verdicts, sentences, prosecutorial and law enforcement records, and other documents relating to the offense, expunged from their record (after paying a \$30 application fee). For purposes of expunctions, deferrals do NOT count as convictions.

**Arrest Records:** Any person placed under a custodial or noncustodial arrest for only one violation of any offense under Chapter 106 while a minor (and not convicted of that offense), may have the records of that arrest, including all complaints, verdicts, prosecutorial and law enforcement records, and other documents relating to the violation, expunged from their record (after paying a \$30 application fee).

*Note:* An offense of Public Intoxication by a Minor does not count toward the number of offenses/arrests here and can only be expunged under Art. 45.0216 or Ch. 55, Code of Criminal Procedure.