

CHAPTER 924

H.B. No. 1079

AN ACT

relating to the adjudication and disposition of children who drive while intoxicated or under the influence of drugs.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Sections 51.03(a) and (b), Family Code, are amended to read as follows:

(a) Delinquent conduct is:

- (1) conduct, other than a traffic offense, that violates[; ~~(1)~~ a penal law of this state punishable by imprisonment or by confinement in jail; ~~[or]~~
- (2) *conduct that violates a reasonable and lawful order of a juvenile court entered under Section 54.04 or 54.05 of this code; or*
- (3) *conduct that violates the laws of this state prohibiting driving while intoxicated or under the influence of intoxicating liquor (third or subsequent offense) or driving while under the influence of any narcotic drug or of any other drug to the degree that renders the child incapable of safely driving a vehicle (third or subsequent offense)*, ~~including an order prohibiting conduct referred to in Subsection (b)(4) of this section~~.

(b) Conduct indicating a need for supervision is:

- (1) conduct, other than a traffic offense or other than an offense included in Subdivision (5) of this subsection, that on three or more occasions violates either of the following:
  - (A) the penal laws of this state of the grade of misdemeanor that are punishable by fine only; or
  - (B) the penal ordinances of any political subdivision of this state;
- (2) the unexcused voluntary absence of a child on 10 or more days or parts of days within a six-month period or three or more days or parts of days within a four-week period from school;
- (3) the voluntary absence of a child from his home without the consent of his parent or guardian for a substantial length of time or without intent to return;
- (4) conduct which violates the laws of this state prohibiting driving while intoxicated or under the influence of intoxicating liquor (first or *second* [subsequent] offense) or driving while under the influence of any narcotic drug or of any other drug to a degree which renders him incapable of safely driving a vehicle (first or *second* [subsequent] offense); or
- (5) conduct prohibited by city ordinance or by state law involving the inhalation of the fumes or vapors of paint and other protective coatings or glue and other adhesives.

SECTION 2. This Act takes effect September 1, 1987, and applies to conduct that occurs on or after that date. Conduct that occurs before that date is governed by the law in effect when the conduct occurred, and that law is continued in effect for that purpose.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 8, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1079 on May 27, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 25, 1987, by a viva-voce vote.

Approved June 20, 1987.

Effective Sept. 1, 1987.