

CHAPTER 754

H.B. No. 258

AN ACT

relating to the age at which minors accused of certain offenses under the Alcoholic Beverage Code must be accompanied by a parent or legal guardian in court and at which minors may be issued certain alcoholic beverage licenses and permits.

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

SECTION 1. Section 106.09, Alcoholic Beverage Code, is amended by adding Subsection (d) to read as follows:

(d) The fact that a person is 18, 19, or 20 years of age is not a ground for refusal of an original or renewal permit or license issued under Chapter 35 or 73 of this code, provided that such a person to whom a permit or license is issued may carry out the activities authorized by those chapters only while in the actual course and scope of the person's employment.

SECTION 2. Section 106.11, Alcoholic Beverage Code, is amended to read as follows:

Sec. 106.11. PARENT OR GUARDIAN AT TRIAL. (a) Except as provided in Subsection (d) of this section, no *person under 18 years of age* [~~minor~~] may be convicted of an offense under this chapter unless his parent or legal guardian is present in court.

(b) If the parent or legal guardian of a *person under 18 years of age* [~~minor~~] accused of a violation of this chapter resides within the jurisdiction of the court before whom the case is to be heard, the court shall summon the parent or legal guardian to appear in court and shall require him to be present at all proceedings in the case.

(c) If the parent or legal guardian of a *person under 18 years of age* [~~minor~~] accused of a violation of this chapter resides outside the jurisdiction of the court before whom the case is to be heard, the court shall give written notice of the charge against the *person* [~~minor~~] to the parent or legal guardian.

(d) If the court is unable to locate or to compel the presence of *the person's* [~~a minor's~~] parent or legal guardian after diligent effort, the court may waive the requirement of presence of a parent or legal guardian.

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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 15, 1987, by the following vote: Yeas 136, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 258 on May 29, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 26, 1987, by the following vote: Yeas 29, Nays 1.

Approved June 19, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.