

**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	§ 106.071, ABC:	§ 106.071, ABC:	§ 106.071, ABC:
Attempt to Purchase Alcohol by Minor § 106.025, ABC	<ul style="list-style-type: none"> Fine: \$1 - \$500 (Class C Misdemeanor) Alcohol/drug awareness program pursuant to § 106.115, ABC Community service: 8-12 hours Suspend or deny issuance of license/permit for 30 days (Order to DPS; takes effect on the 11th day after conviction) 	<ul style="list-style-type: none"> Fine: \$1 - \$500 (Class C Misdemeanor) Optional for Court: Alcohol/drug awareness program pursuant to § 106.115, ABC Community service: 20-40 hours Suspend or deny issuance of license/permit for 60 days (Order to DPS; takes effect on the 11th day after conviction) 	<ul style="list-style-type: none"> Court only has jurisdiction if defendant is under age 17 Fine: \$1 - \$500 (Class C Misdemeanor) Optional for Court: Alcohol/drug awareness program pursuant to § 106.115, ABC Suspend or deny issuance of license/permit for 180 days (Order to DPS; takes effect on the 11th day after conviction)
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	<p>§ 106.041, ABC:</p> <ul style="list-style-type: none"> Fine: \$1-\$500 (Class C Misdemeanor) Alcohol/drug awareness program pursuant to § 106.115, ABC Community service: 20-40 hours (License automatically suspended upon arrest by DPS – Court does not order) 	<p>§ 106.041, ABC:</p> <ul style="list-style-type: none"> Fine: \$1-\$500 (Class C Misdemeanor) Optional for court: Alcohol/drug awareness program pursuant to § 106.115, ABC Community service: 40-60 hours (License automatically suspended upon arrest by DPS – court does not order) 	<p>§ 106.041, ABC:</p> <ul style="list-style-type: none"> Court only has jurisdiction if defendant is under age 17 Fine: \$1 - \$500 (Class C Misdemeanor) Optional for Court: Alcohol/drug awareness program pursuant to § 106.115, ABC Community service: 40-60 hours (License automatically suspended upon arrest by DPS – court does not order)

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.

NOTE: Community service under § 106.071, ABC, 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.

Community service under § 106.041, ABC, must be related to education about or prevention of misuse of alcohol.

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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, A.B.C., applies, the court shall order the minor to perform community service as set out on the chart above. On the placement of a minor on deferred disposition for an offense under § 49.02, Penal Code, or under § 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, a drug education program, or a drug and alcohol driving awareness program pursuant to the requirements of § 106.115(a).

Result of Completing or Not Completing Alcohol Awareness Course Upon Final Conviction – § 106.115, ABC

If the defendant presents the required evidence of successful completion of the required program/community service within the prescribed 90 day period, the court may reduce the assessed fine to an amount equal to no less than one-half 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:

- a. suspend the defendant's driver's license or permit for a period not to exceed six months or, if the defendant does not have a license or permit, to deny the issuance of a license or permit to the defendant for that period; or
- b. if the defendant has been previously convicted of an offense under one or more of the Code sections listed above, suspend the defendant's driver's license or permit for a period not to exceed one year or, if the defendant does not have a license or permit, to deny the issuance of a license or permit to the defendant for that period;

(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 doing the act or refraining from doing the act will increase the likelihood that the defendant will present evidence to the court that the defendant has satisfactorily completed the alcohol awareness program or performed the required hours of community service.

Expungement of Conviction – § 106.12, ABC

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, 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. After entry of the order, the applicant shall be released from all disabilities resulting from the conviction, and the conviction may not be shown or made known for any purpose.