

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	- Fine: \$1 - \$500 (Class C Misdemeanor) - Alcohol/substance misuse program pursuant to § 106.115, ABC	- Fine: \$1 - \$500 (Class C Misdemeanor) - Optional for Court: Alcohol/substance misuse program pursuant to § 106.115, ABC	- Court only has jurisdiction if defendant is under age 17 - Fine: \$1 - \$500 (Class C Misdemeanor) - Optional for Court: Alcohol/substance misuse program pursuant to § 106.115, ABC
Consumption of Alcohol by Minor § 106.04, ABC	Community service: 8-12 hours	Community service: 20-40 hours	Suspend or deny issuance of license/permit for 180 days (Order to DPS; takes effect on the 11th day after conviction)
Possession of Alcohol by Minor §106.05, ABC	Suspend or deny issuance of license/permit for 30 days (Order to DPS; takes effect on the 11th day after conviction)	Suspend or deny issuance of license/permit for 60 days (Order to DPS; takes effect on the 11th day after conviction)	NOT eligible for deferred disposition if offense is Consumption of Alcohol (§ 106.04, ABC)
Misrepresentation of Age by Minor § 106.07, ABC			
Public Intoxication by Minor § 49.02, Penal Code			
DUI by Minor § 106.041, ABC	§ 106.041, ABC: - Fine: \$1-\$500 (Class C Misdemeanor) - Alcohol/substance misuse program pursuant to § 106.115, ABC - Community service: 20-40 hours (License automatically suspended upon arrest by DPS – Court does not order)	§ 106.041, ABC: - Fine: \$1-\$500 (Class C Misdemeanor) - Optional for court: Alcohol/substance misuse program pursuant to § 106.115, ABC - Community service: 40-60 hours (License automatically suspended upon arrest by DPS – court does not order)	§ 106.041, ABC: - Court only has jurisdiction if defendant is under age 17 - Fine: \$1 - \$500 (Class C Misdemeanor) - Optional for Court: Alcohol/substance misuse program pursuant to § 106.115, ABC - Community service: 40-60 hours (License automatically suspended upon arrest by DPS – court does not order) NOT eligible for deferred disposition

NOTE: When counting the number of convictions to determine which column applies, the following are considered “convictions:” 1) a prior order of deferred disposition for the offense; and 2) a prior adjudication in juvenile court under Title 3, Family Code, that a minor engaged in this conduct. **But,** for the purpose of determining if the alcohol/substance misuse program is mandatory or discretionary, only “actual convictions” count.

NOTE: Community service must be related to education about or prevention of misuse of alcohol/substances, or, if 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 alcohol/substance misuse program, pursuant to the requirements of § 106.115.

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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, 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 any of the alcohol offenses in the chart, the court **SHALL ALWAYS** order the minor to complete an alcohol/substance misuse program (regardless of if there are any previous convictions).

For any case where a minor is placed on deferred disposition, any reasonable condition **MAY** be ordered, which could include community service even if it is not otherwise required.

Result of Completing or Not Completing Alcohol/Substance Misuse Program After Final Conviction – § 106.115, ABC

If the defendant **presents the required evidence** of successful completion of the required alcohol/substance misuse program (or *extra* community service instead 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/substance misuse program (or the *extra* community service instead 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 event in violation of 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)—even if there were multiple violations.

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. 45A.463 or Ch. 55A, Code of Criminal Procedure.