

By: Pacheco

H.B. No. 793

A BILL TO BE ENTITLED

AN ACT

relating to drug-free zones under the Texas Controlled Substances Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 481.134(b), (c), (d), (e), and (f), Health and Safety Code, are amended to read as follows:

(b) An offense otherwise punishable as a state jail felony under Section 481.112, 481.1121, 481.113, 481.114, or 481.120 is punishable as a felony of the third degree, and an offense otherwise punishable as a felony of the second degree under any of those sections is punishable as a felony of the first degree, if it is shown at the punishment phase of the trial of the offense that the offense was committed:

(1) in, on, or within 2,000 [~~1,000~~] feet of premises owned, rented, or leased by an institution of higher learning, the premises of a public or private youth center, or a playground; or

(2) in, on, or within 300 feet of the premises of a public swimming pool or video arcade facility.

(c) The minimum term of confinement or imprisonment for an offense otherwise punishable under Section 481.112(c), (d), (e), or (f), 481.1121(b)(2), (3), or (4), 481.113(c), (d), or (e), 481.114(c), (d), or (e), 481.115(c)-(f), 481.1151(b)(2), (3), (4), or (5), 481.116(c), (d), or (e), 481.1161(b)(4), (5), or (6), 481.117(c), (d), or (e), 481.118(c), (d), or (e), 481.120(b)(4),

1 (5), or (6), or 481.121(b)(4), (5), or (6) is increased by five  
2 years and the maximum fine for the offense is doubled if it is shown  
3 on the trial of the offense that the offense was committed:

4 (1) in, on, or within 2,000 [~~1,000~~] feet of the  
5 premises of a school, the premises of a public or private youth  
6 center, or a playground; or

7 (2) on a school bus.

8 (d) An offense otherwise punishable under Section  
9 481.112(b), 481.1121(b)(1), 481.113(b), 481.114(b), 481.115(b),  
10 481.1151(b)(1), 481.116(b), 481.1161(b)(3), 481.120(b)(3), or  
11 481.121(b)(3) is a felony of the third degree if it is shown on the  
12 trial of the offense that the offense was committed:

13 (1) in, on, or within 2,000 [~~1,000~~] feet of any real  
14 property that is owned, rented, or leased to a school or school  
15 board, the premises of a public or private youth center, or a  
16 playground; or

17 (2) on a school bus.

18 (e) An offense otherwise punishable under Section  
19 481.117(b), 481.119(a), 481.120(b)(2), or 481.121(b)(2) is a state  
20 jail felony if it is shown on the trial of the offense that the  
21 offense was committed:

22 (1) in, on, or within 2,000 [~~1,000~~] feet of any real  
23 property that is owned, rented, or leased to a school or school  
24 board, the premises of a public or private youth center, or a  
25 playground; or

26 (2) on a school bus.

27 (f) An offense otherwise punishable under Section

1 481.118(b), 481.119(b), 481.120(b)(1), or 481.121(b)(1) is a Class  
2 A misdemeanor if it is shown on the trial of the offense that the  
3 offense was committed:

4 (1) in, on, or within 2,000 [~~1,000~~] feet of any real  
5 property that is owned, rented, or leased to a school or school  
6 board, the premises of a public or private youth center, or a  
7 playground; or

8 (2) on a school bus.

9 SECTION 2. The change in law made by this Act applies only  
10 to an offense committed on or after the effective date of this Act.  
11 An offense committed before the effective date of this Act is  
12 governed by the law in effect on the date the offense was committed,  
13 and the former law is continued in effect for that purpose. For  
14 purposes of this section, an offense was committed before the  
15 effective date of this Act if any element of the offense occurred  
16 before that date.

17 SECTION 3. This Act takes effect September 1, 2021.