

By: Dutton

H.B. No. 715

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the penalty for possession of one ounce or less of  
3 marihuana.

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

5 SECTION 1. Section 481.121, Health and Safety Code, is  
6 amended by amending Subsection (b) and adding Subsection (c) to  
7 read as follows:

8 (b) An offense under Subsection (a) is:

9 (1) a Class C misdemeanor if the amount of marihuana  
10 possessed is one ounce or less;

11 (2) a Class B misdemeanor if the amount of marihuana  
12 possessed is two ounces or less but more than one ounce;

13 (3) [~~(2)~~] a Class A misdemeanor if the amount of  
14 marihuana possessed is four ounces or less but more than two ounces;

15 (4) [~~(3)~~] a state jail felony if the amount of  
16 marihuana possessed is five pounds or less but more than four  
17 ounces;

18 (5) [~~(4)~~] a felony of the third degree if the amount of  
19 marihuana possessed is 50 pounds or less but more than 5 pounds;

20 (6) [~~(5)~~] a felony of the second degree if the amount  
21 of marihuana possessed is 2,000 pounds or less but more than 50  
22 pounds; and

23 (7) [~~(6)~~] punishable by imprisonment in the  
24 institutional division of the Texas Department of Criminal Justice

1 for life or for a term of not more than 99 years or less than 5  
2 years, and a fine not to exceed \$50,000, if the amount of marihuana  
3 possessed is more than 2,000 pounds.

4 (c) Notwithstanding any other law, a person's driver's  
5 license may not be suspended and is not automatically suspended on  
6 final conviction of an offense punishable under Subsection (b)(1).

7 SECTION 2. (a) This Act takes effect September 1, 2003.

8 (b) The change in law made by this Act applies only to an  
9 offense committed on or after September 1, 2003.

10 (c) An offense committed before September 1, 2003, is  
11 covered by the law in effect when the offense was committed, and the  
12 former law is continued in effect for that purpose. For purposes of  
13 this section, an offense was committed before September 1, 2003, if  
14 any element of the offense was committed before that date.