

By: Brown of Kaufman

H.B. No. 501

A BILL TO BE ENTITLED

AN ACT

relating to the criminal penalty for the unlawful delivery of a dangerous drug on a school bus or in a drug-free zone.

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

SECTION 1. Section 483.042, Health and Safety Code, is amended by amending Subsection (d) and adding Subsections (d-1)-(d-3) to read as follows:

(d) Except as provided by Subsection (d-1), an ~~An~~ offense under this section is a state jail felony.

(d-1) An offense under this section is a felony of the third degree, if it is shown at the punishment phase of the trial of the offense that the offense was committed:

(1) on a school bus;

(2) in, on, or within 1,000 feet of:

(A) premises owned, rented, or leased by an institution of higher learning, a school, or a school board; or

(B) the premises of a public or private youth center, or a playground; or

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

(d-2) Subsection (d-1) does not apply to an offense if:

(1) the offense was committed inside a private residence; and

(2) no minor was present at the time the offense was

1 committed.

2 (d-3) In this section, "institution of higher education,"
3 "minor," "playground," "premises," "school," "video arcade
4 facility," and "youth center" have the meanings assigned by Section
5 481.134.

6 SECTION 2. Sections 481.135(a) and (d), Health and Safety
7 Code, are amended to read as follows:

8 (a) In a prosecution under Section 481.134 or 483.042, a map
9 produced or reproduced by a municipal or county engineer for the
10 purpose of showing the location and boundaries of drug-free zones
11 is admissible in evidence and is prima facie evidence of the
12 location or boundaries of those areas if the governing body of the
13 municipality or county adopts a resolution or ordinance approving
14 the map as an official finding and record of the location or
15 boundaries of those areas.

16 (d) This section does not prevent the prosecution from:

17 (1) introducing or relying on any other evidence or
18 testimony to establish any element of an offense for which
19 punishment is increased under Section 481.134 or 483.042(d-1); or

20 (2) using or introducing any other map or diagram
21 otherwise admissible under the Texas Rules of Criminal Evidence.

22 SECTION 3. (a) This Act takes effect September 1, 2005.

23 (b) The change in law made by this Act applies only to an
24 offense committed on or after September 1, 2005.

25 (c) An offense committed before September 1, 2005, is
26 covered by the law in effect when the offense was committed, and the
27 former law is continued in effect for that purpose. For purposes of

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1 this section, an offense was committed before September 1, 2005, if
2 any element of the offense was committed before that date.