

BILL ANALYSIS

H.B. 2466
By: Rodriguez
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Criminal penalties resulting from an offense committed in drug-free zones are subject to an enhancement. If an individual is found selling drugs within a drug-free zone, the individual may be assessed a more severe penalty, depending on the decision from the judge or jury.

Currently, drug-free zones include schools and public or private youth centers, but do not include playgrounds for the purposes of narcotics possession offenses. Including playgrounds as drug-free zones not only enhances the penalty for committing drug crimes on or near a playground but will also act as a deterrent to crimes related to the possession and use of illegal drugs near playgrounds. These measures will help reduce the exposure of Texas children to drug users and discarded drug paraphernalia, such as crack pipes and used hypodermic needles in or around playground areas.

H.B. 2466 designates playgrounds as drug-free zones and enhances the penalties associated with certain offenses relating to controlled substances that occur in or around a playground.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2466 amends the Health and Safety Code to make the penalty enhancement by which the minimum term of confinement or imprisonment is increased by five years and the maximum fine is doubled for committing an offense of manufacturing, delivering, or possessing certain controlled substances in a drug-free zone applicable to such an offense committed in, on, or within 1,000 feet of a playground. The bill makes the penalty enhancement from a state jail felony to a felony of the third degree, for committing an offense of manufacturing, delivering, or possessing certain controlled substances in a drug-free zone, applicable to such an offense committed in, on, or within 1,000 feet of a playground; makes the penalty enhancement from a Class A misdemeanor to a state jail felony, for committing such an offense in a drug-free zone, applicable to an offense committed in, on, or within 1,000 feet of a playground; and makes the penalty enhancement from a Class B misdemeanor to a Class A misdemeanor, for committing such an offense in a drug-free zone, applicable to such an offense committed in, on, or within 1,000 feet of a playground.

EFFECTIVE DATE

September 1, 2009.