

BILL ANALYSIS

H.B. 2467
By: Rodriguez
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The definition of a "playground" has become outdated under current law. As it stands, a playground must consist of at least three separate apparatus intended for the recreation of children, such as slides, swing sets, and teeterboards. On many modern playgrounds, however, the activity centers are adjoined and thus not considered to be separate apparatus. This impedes the ability to fully prosecute crimes that take place on modern playgrounds, which are not adequately defined under current law. Additionally, the definition of "playground" is the basis for restrictions placed on sexual predators as required by the conditions of their parole or probation. The outdated definition could allow sexual predators to find a loophole in the law that the legislature did not intend. To ensure that crimes that occur on playgrounds can be prosecuted to the fullest extent of the law and to more accurately describe the restrictions placed on convicted sexual predators, the term should be modernized.

H.B. 2467 redefines "playground" for purposes of offenses and penalties that occur in drug-free zones.

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. 2467 amends the Health and Safety Code to redefine "playground," for purposes of an offense that occurs in a drug-free zone, to specify that it contains three or more play stations, rather than three or more separate apparatus.

EFFECTIVE DATE

September 1, 2009.