

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2467
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Criminal Justice
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, playgrounds consist of play stations as opposed to three or more separate apparatuses. This bill amends Section 481.134(a)(3) (relating to the definition of a "playground"), Health and Safety Code, by expanding the definition to include "play station," rather than "separate apparatus." The change in language is intended to modernize the definition of a playground to ensure that crimes that occur on playgrounds can be prosecuted to the fullest extent of the law and more accurately describe the restrictions placed on convicted sexual predators.

C.S.H.B. 2467 amends current law relating to the definition of playgrounds and to including those playgrounds in the designation of certain places as drug-free zones for purposes of criminal penalties.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 481.134(a)(3), Health and Safety Code, to redefine "playground."

SECTION 2. Amend Sections 481.134(c), (d), (e), and (f), Health and Safety Code, as follows:

(c) Provides that the minimum term of confinement or imprisonment for an offense otherwise punishable under Section 481.112(c) (relating to defining a second degree felony offense for between one and four grams of a controlled substance), (d) (relating to defining a first degree felony offense for between four and 200 grams of a controlled substance), (e) (relating to the penalties for between 200 and 400 grams of a controlled substance), or (f) (relating to the penalties for 400 grams or more of a controlled substance), 481.113(c) (relating to defining a second degree felony offense for between one and four grams amounts of a controlled substance), (d) (relating to defining a first degree felony offense for between four and 400 grams of a controlled substance), or (e) (relating to the penalties for 400 grams or more of a controlled substance), 481.114(c) (relating to defining a second degree felony offense for between 28 and 200 grams of a controlled substance), (d) (relating to defining a first degree felony offense for between 200 and 400 grams of a controlled substance), or (e) (relating the penalties for 400 grams or more of a controlled substance), 481.115(c) (relating to defining a third degree felony offense for between one and four grams of a controlled substance), (d) (relating to defining a second degree felony offense for between four and 200 grams of a controlled substance), (e) (relating to defining a first degree felony offense for between 200 and 400 grams of a controlled substance), and (f) (relating the penalties for 400 grams or more of a controlled substance), 481.116(c) (relating to defining a third degree felony offense for between one and four grams of a controlled substance), (d) (relating to defining a second degree felony offense for between four and 400 grams of a controlled substance), or (e) (relating to the penalties for 400 grams or more of a controlled substance), 481.117(c) (relating to defining a third degree felony offense for between 28 and 200 grams of a controlled substance), (d) (relating to defining a second degree felony offense for between 200 and 400 grams of a controlled substance), or (e) (relating to the penalties for 400 grams or more of a controlled substance), 481.118(c) (relating to defining a third degree felony offense for between 28 and 200 grams of a controlled substance), (d)

(relating to defining a second degree felony offense for between 200 and 400 grams of a controlled substance), or (e) (relating to the penalties for 400 grams or more of a controlled substance), 481.120(b)(4) (relating to defining a second degree felony offense for between five and 50 pounds of marihuana), (5) (relating to defining a first degree felony offense for between 50 and 2,000 pounds of marihuana), or (6) (relating to certain penalties under the statute), or 481.121(b)(4) (relating to defining a third degree felony offense for between five and 50 pounds of marihuana), (5) (relating to defining a second degree felony offense for between 50 and 2,000 pounds of marihuana), or (6) (relating to certain penalties under the statute for more than 2,000 pounds of marihuana) is increased by five years and the maximum fine for the offense is doubled if it is shown on the trial of the offense that the offense was committed:

(1) in, on, or within 1,000 feet of the premises of a school, the premises of, rather than or, a public or private youth center, or a playground; or

(2) on a school bus.

(d) Provides that an offense otherwise punishable under Section 481.112(b) (relating to defining a state jail felony for less than one gram of certain controlled substances), 481.113(b) (relating to defining a state jail felony for less than one gram of certain controlled substances), 481.114(b) (relating to defining a state jail felony for less than 28 grams of certain controlled substances), 481.115(b) (relating to defining a state jail felony for less than one gram of certain controlled substances), 481.116(b) (relating to defining a state jail felony for less than one gram of certain controlled substances), 481.120(b)(3) (relating to defining a state jail felony for between one-fourth ounce and five pounds of marihuana), or 481.121(b)(3) (relating to defining a state jail felony for between four ounces and five pounds of marihuana) is a felony of the third degree if it is shown on the trial of the offense that the offense was committed:

(1) in, on, or within 1,000 feet of any real property that is owned, rented, or leased to a school or school board, the premises of a public or private youth center, or a playground; or

(2) on a school bus.

Makes a nonsubstantive change.

(e) Provides that an offense otherwise punishable under Section 481.117(b) (relating to defining a Class A misdemeanor for less than 28 grams of certain controlled substances), 481.119(a) (relating to defining a Class A misdemeanor for a person who commits certain actions under the statute), 481.120(b)(2) (relating to defining a Class A misdemeanor for one-fourth ounce or less of marihuana), or 481.121(b)(2) (relating to defining a Class A misdemeanor for between two and four ounces of marihuana) is a state jail felony if it is shown on the trial of the offense that the offense was committed:

(1) in, on, or within 1,000 feet of any real property that is owned, rented, or leased to a school or school board, the premises of a public or private youth center, or a playground; or

(2) on a school bus.

Makes a nonsubstantive change.

(f) Provides that an offense otherwise punishable under Section 481.118(b) (relating to defining a Class B misdemeanor for less than 28 grams of certain controlled substances), 481.119(b) (relating to defining a Class B misdemeanor for knowing or intentional possession of certain controlled substances), 481.120(b)(1) (relating to defining a Class B misdemeanor for one-fourth ounce or less of marihuana), 481.121(b)(1) (relating to defining a Class B misdemeanor for possession of two ounces or less of marihuana) is a Class A misdemeanor if it is shown on the trial of the offense that the offense was committed:

(1) in, on, or within 1,000 feet of any real property that is owned, rented, or leased to a school or school board, the premises of a public or private youth center, or a playground; or

(2) on a school bus.

Makes a nonsubstantive change.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2009.