

By: Dutton

H.B. No. 287

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the penalty for possession of a small amount of certain
3 controlled substances.

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

5 SECTION 1. Section 481.115(b), Health and Safety Code, is
6 amended to read as follows:

7 (b) An offense under Subsection (a) is a Class A misdemeanor
8 [~~state jail felony~~] if the amount of the controlled substance
9 possessed is, by aggregate weight, including adulterants or
10 dilutants, less than one gram.

11 SECTION 2. Section 481.116(b), Health and Safety Code, is
12 amended to read as follows:

13 (b) An offense under Subsection (a) is a Class A misdemeanor
14 [~~state jail felony~~] if the amount of the controlled substance
15 possessed is, by aggregate weight, including adulterants or
16 dilutants, less than one gram.

17 SECTION 3. (a) The change in law made by this Act applies
18 only to an offense committed on or after September 1, 2009.

19 (b) An offense committed before September 1, 2009, is
20 covered by the law in effect when the offense was committed, and the
21 former law is continued in effect for that purpose. For purposes of
22 this section, an offense was committed before September 1, 2009, if
23 any element of the offense was committed before that date.

24 SECTION 4. This Act takes effect September 1, 2009.