

By: Rodriguez, Leibowitz

H.B. No. 2466

A BILL TO BE ENTITLED

1 AN ACT
2 relating to including playgrounds in the designation of certain
3 places as drug-free zones for purposes of the criminal penalties
4 that apply to certain drug-related offenses.

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

6 SECTION 1. Sections 481.134(c), (d), (e), and (f), Health
7 and Safety Code, are amended to read as follows:

8 (c) The minimum term of confinement or imprisonment for an
9 offense otherwise punishable under Section 481.112(c), (d), (e), or
10 (f), 481.113(c), (d), or (e), 481.114(c), (d), or (e),
11 481.115(c)-(f), 481.116(c), (d), or (e), 481.117(c), (d), or (e),
12 481.118(c), (d), or (e), 481.120(b)(4), (5), or (6), or
13 481.121(b)(4), (5), or (6) is increased by five years and the
14 maximum fine for the offense is doubled if it is shown on the trial
15 of the offense that the offense was committed:

16 (1) in, on, or within 1,000 feet of the premises of a
17 school, the premises of ~~or~~ a public or private youth center, or a
18 playground; or

19 (2) on a school bus.

20 (d) An offense otherwise punishable under Section
21 481.112(b), 481.113(b), 481.114(b), 481.115(b), 481.116(b),
22 481.120(b)(3), or 481.121(b)(3) is a felony of the third degree if
23 it is shown on the trial of the offense that the offense was
24 committed:

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

5 (2) on a school bus.

6 (e) An offense otherwise punishable under Section
7 481.117(b), 481.119(a), 481.120(b)(2), or 481.121(b)(2) is a state
8 jail felony if it is shown on the trial of the offense that the
9 offense was committed:

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

14 (2) on a school bus.

15 (f) An offense otherwise punishable under Section
16 481.118(b), 481.119(b), 481.120(b)(1), or 481.121(b)(1) is a Class
17 A misdemeanor if it is shown on the trial of the offense that the
18 offense was committed:

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

23 (2) on a school bus.

24 SECTION 2. The change in law made by this Act applies only
25 to an offense committed on or after the effective date of this Act.
26 An offense committed before the effective date of this Act is
27 covered by the law in effect when the offense was committed, and the

1 former law is continued in effect for that purpose. For purposes of
2 this section, an offense was committed before the effective date of
3 this Act if any element of the offense was committed before that
4 date.

5 SECTION 3. This Act takes effect September 1, 2009.