

AN ACT

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.

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

SECTION 1. Section 481.134(a)(3), Health and Safety Code, is amended to read as follows:

(3) "Playground" means any outdoor facility that is not on the premises of a school and that:

(A) is intended for recreation;

(B) is open to the public; and

(C) contains three or more play stations ~~[separate apparatus]~~ intended for the recreation of children, such as slides, swing sets, and teeterboards.

SECTION 2. Subsections (c), (d), (e), and (f), Section 481.134, Health and Safety Code, are amended to read as follows:

(c) The minimum term of confinement or imprisonment for an offense otherwise punishable under Section 481.112(c), (d), (e), or (f), 481.113(c), (d), or (e), 481.114(c), (d), or (e), 481.115(c)-(f), 481.116(c), (d), or (e), 481.117(c), (d), or (e), 481.118(c), (d), or (e), 481.120(b)(4), (5), or (6), or 481.121(b)(4), (5), or (6) 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 (1) in, on, or within 1,000 feet of the premises of a
2 school, the premises of [~~or~~] a public or private youth center, or a
3 playground; or

4 (2) on a school bus.

5 (d) An offense otherwise punishable under Section
6 481.112(b), 481.113(b), 481.114(b), 481.115(b), 481.116(b),
7 481.120(b)(3), or 481.121(b)(3) is a felony of the third degree if
8 it is shown on the trial of the offense that the offense was
9 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 (e) An offense otherwise punishable under Section
16 481.117(b), 481.119(a), 481.120(b)(2), or 481.121(b)(2) is a state
17 jail felony 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 (f) An offense otherwise punishable under Section
25 481.118(b), 481.119(b), 481.120(b)(1), or 481.121(b)(1) is a Class
26 A misdemeanor if it is shown on the trial of the offense that the
27 offense was 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 SECTION 3. The change in law made by this Act applies only
7 to an offense committed on or after the effective date of this Act.
8 An offense committed before the effective date of this Act is
9 covered by the law in effect when the offense was committed, and the
10 former law is continued in effect for that purpose. For purposes of
11 this section, an offense was committed before the effective date of
12 this Act if any element of the offense was committed before that
13 date.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 2467 was passed by the House on May 5, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2467 on May 23, 2009, by the following vote: Yeas 140, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2467 was passed by the Senate, with amendments, on May 19, 2009, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor