

1-1 By: Rodriguez, Leibowitz H.B. No. 2467  
1-2 (Senate Sponsor - Whitmire)  
1-3 (In the Senate - Received from the House May 6, 2009;  
1-4 May 7, 2009, read first time and referred to Committee on Criminal  
1-5 Justice; May 15, 2009, reported adversely, with favorable  
1-6 Committee Substitute by the following vote: Yeas 7, Nays 0;  
1-7 May 15, 2009, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 2467 By: Seliger

1-9 A BILL TO BE ENTITLED  
1-10 AN ACT

1-11 relating to the definition of playgrounds and to including those  
1-12 playgrounds in the designation of certain places as drug-free zones  
1-13 for purposes of criminal penalties.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Section 481.134(a)(3), Health and Safety Code,  
1-16 is amended to read as follows:

1-17 (3) "Playground" means any outdoor facility that is  
1-18 not on the premises of a school and that:

1-19 (A) is intended for recreation;

1-20 (B) is open to the public; and

1-21 (C) contains three or more play stations  
1-22 [~~separate apparatus~~] intended for the recreation of children, such  
1-23 as slides, swing sets, and teeterboards.

1-24 SECTION 2. Subsections (c), (d), (e), and (f), Section  
1-25 481.134, Health and Safety Code, are amended to read as follows:

1-26 (c) The minimum term of confinement or imprisonment for an  
1-27 offense otherwise punishable under Section 481.112(c), (d), (e), or  
1-28 (f), 481.113(c), (d), or (e), 481.114(c), (d), or (e),  
1-29 481.115(c)-(f), 481.116(c), (d), or (e), 481.117(c), (d), or (e),  
1-30 481.118(c), (d), or (e), 481.120(b)(4), (5), or (6), or  
1-31 481.121(b)(4), (5), or (6) is increased by five years and the  
1-32 maximum fine for the offense is doubled if it is shown on the trial  
1-33 of the offense that the offense was committed:

1-34 (1) in, on, or within 1,000 feet of the premises of a  
1-35 school, the premises of [~~ex~~] a public or private youth center, or a  
1-36 playground; or

1-37 (2) on a school bus.

1-38 (d) An offense otherwise punishable under Section  
1-39 481.112(b), 481.113(b), 481.114(b), 481.115(b), 481.116(b),  
1-40 481.120(b)(3), or 481.121(b)(3) is a felony of the third degree if  
1-41 it is shown on the trial of the offense that the offense was  
1-42 committed:

1-43 (1) in, on, or within 1,000 feet of any real property  
1-44 that is owned, rented, or leased to a school or school board, [~~ex~~]  
1-45 the premises of a public or private youth center, or a playground;  
1-46 or

1-47 (2) on a school bus.

1-48 (e) An offense otherwise punishable under Section  
1-49 481.117(b), 481.119(a), 481.120(b)(2), or 481.121(b)(2) is a state  
1-50 jail felony if it is shown on the trial of the offense that the  
1-51 offense was committed:

1-52 (1) in, on, or within 1,000 feet of any real property  
1-53 that is owned, rented, or leased to a school or school board, [~~ex~~]  
1-54 the premises of a public or private youth center, or a playground;  
1-55 or

1-56 (2) on a school bus.

1-57 (f) An offense otherwise punishable under Section  
1-58 481.118(b), 481.119(b), 481.120(b)(1), or 481.121(b)(1) is a Class  
1-59 A misdemeanor if it is shown on the trial of the offense that the  
1-60 offense was committed:

1-61 (1) in, on, or within 1,000 feet of any real property  
1-62 that is owned, rented, or leased to a school or school board, [~~ex~~]  
1-63 the premises of a public or private youth center, or a playground;

2-1 or  
2-2 (2) on a school bus.  
2-3 SECTION 3. The change in law made by this Act applies only  
2-4 to an offense committed on or after the effective date of this Act.  
2-5 An offense committed before the effective date of this Act is  
2-6 covered by the law in effect when the offense was committed, and the  
2-7 former law is continued in effect for that purpose. For purposes of  
2-8 this section, an offense was committed before the effective date of  
2-9 this Act if any element of the offense was committed before that  
2-10 date.  
2-11 SECTION 4. This Act takes effect September 1, 2009.

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