

1-1 By: Whitmire S.B. No. 1530  
1-2 (In the Senate - Filed March 9, 2009; March 17, 2009, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 April 28, 2009, reported favorably by the following vote: Yeas 7,  
1-5 Nays 0; April 28, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to including playgrounds in the designation of certain  
1-9 places as drug-free zones for purposes of the criminal penalties  
1-10 that apply to certain drug-related offenses.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsections (c), (d), (e), and (f), Section  
1-13 481.134, Health and Safety Code, are amended to read as follows:

1-14 (c) The minimum term of confinement or imprisonment for an  
1-15 offense otherwise punishable under Section 481.112(c), (d), (e), or  
1-16 (f), 481.113(c), (d), or (e), 481.114(c), (d), or (e),  
1-17 481.115(c)-(f), 481.116(c), (d), or (e), 481.117(c), (d), or (e),  
1-18 481.118(c), (d), or (e), 481.120(b)(4), (5), or (6), or  
1-19 481.121(b)(4), (5), or (6) is increased by five years and the  
1-20 maximum fine for the offense is doubled if it is shown on the trial  
1-21 of the offense that the offense was committed:

1-22 (1) in, on, or within 1,000 feet of the premises of a  
1-23 school, the premises of ~~or~~ a public or private youth center, or a  
1-24 playground; or

1-25 (2) on a school bus.

1-26 (d) An offense otherwise punishable under Section  
1-27 481.112(b), 481.113(b), 481.114(b), 481.115(b), 481.116(b),  
1-28 481.120(b)(3), or 481.121(b)(3) is a felony of the third degree if  
1-29 it is shown on the trial of the offense that the offense was  
1-30 committed:

1-31 (1) in, on, or within 1,000 feet of any real property  
1-32 that is owned, rented, or leased to a school or school board, ~~or~~  
1-33 the premises of a public or private youth center, or a playground;  
1-34 or

1-35 (2) on a school bus.

1-36 (e) An offense otherwise punishable under Section  
1-37 481.117(b), 481.119(a), 481.120(b)(2), or 481.121(b)(2) is a state  
1-38 jail felony if it is shown on the trial of the offense that the  
1-39 offense was committed:

1-40 (1) in, on, or within 1,000 feet of any real property  
1-41 that is owned, rented, or leased to a school or school board, ~~or~~  
1-42 the premises of a public or private youth center, or a playground;  
1-43 or

1-44 (2) on a school bus.

1-45 (f) An offense otherwise punishable under Section  
1-46 481.118(b), 481.119(b), 481.120(b)(1), or 481.121(b)(1) is a Class  
1-47 A misdemeanor if it is shown on the trial of the offense that the  
1-48 offense was committed:

1-49 (1) in, on, or within 1,000 feet of any real property  
1-50 that is owned, rented, or leased to a school or school board, ~~or~~  
1-51 the premises of a public or private youth center, or a playground;  
1-52 or

1-53 (2) on a school bus.

1-54 SECTION 2. The change in law made by this Act applies only  
1-55 to an offense committed on or after the effective date of this Act.  
1-56 An offense committed before the effective date of this Act is  
1-57 covered by the law in effect when the offense was committed, and the  
1-58 former law is continued in effect for that purpose. For purposes of  
1-59 this section, an offense was committed before the effective date of  
1-60 this Act if any element of the offense was committed before that  
1-61 date.

1-62 SECTION 3. This Act takes effect September 1, 2009.

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