

SENATE AMENDMENTS

2nd Printing

By: Rodriguez, Leibowitz

H.B. No. 2467

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the definition of a playground for purposes of certain
3 places protected from certain criminal activities.

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

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

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

9 (A) is intended for recreation;

10 (B) is open to the public; and

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

14 SECTION 2. The change in law made by this Act applies only
15 to an offense committed on or after the effective date of this Act.
16 An offense committed before the effective date of this Act is
17 covered by the law in effect when the offense was committed, and the
18 former law is continued in effect for that purpose. For purposes of
19 this section, an offense was committed before the effective date of
20 this Act if any element of the offense was committed before that
21 date.

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

ADOPTED

MAY 19 2009

Atty Gen
Secretary of the Senate

By: Rodriguez et al. / Whitmire

H.B. No. 2467

Substitute the following for H.B. No. 2467:

By: *[Signature]*

C.S. H.B. No. 2467

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

10 (A) is intended for recreation;

11 (B) is open to the public; and

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

15 SECTION 2. Subsections (c), (d), (e), and (f), Section
16 481.134, Health and Safety Code, are amended to read as follows:

17 (c) The minimum term of confinement or imprisonment for an
18 offense otherwise punishable under Section 481.112(c), (d), (e), or
19 (f), 481.113(c), (d), or (e), 481.114(c), (d), or (e),
20 481.115(c)-(f), 481.116(c), (d), or (e), 481.117(c), (d), or (e),
21 481.118(c), (d), or (e), 481.120(b)(4), (5), or (6), or
22 481.121(b)(4), (5), or (6) is increased by five years and the
23 maximum fine for the offense is doubled if it is shown on the trial
24 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.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 20, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2467 by Rodriguez (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.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code by clarifying the definition of playground relating to Drug-Free Zones. It is assumed that the bill would not significantly affect the operations of state or local government.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, SD, ESi, GG, LM, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 13, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2467 by Rodriguez (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.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code by clarifying the definition of playground relating to Drug-Free Zones. It is assumed that the bill would not significantly affect the operations of state or local government.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, ESi, GG, LM, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 8, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2467 by Rodriguez (Relating to the definition of a playground for purposes of certain places protected from certain criminal activities.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code by clarifying the definition of playground relating to Drug-Free Zones. It is assumed that the bill would not significantly affect the operations of state or local government.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, ESi, GG, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 26, 2009

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB2467** by Rodriguez (Relating to the definition of a playground for purposes of certain places protected from certain criminal activities.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code by clarifying the definition of playground relating to Drug-Free Zones. It is assumed that the bill would not significantly affect the operations of state or local government.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, ESi, GG, TP

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

81ST LEGISLATIVE REGULAR SESSION

May 13, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB2467** by Rodriguez (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.), **Committee Report 2nd House, Substituted**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, GG, LM, TMP

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

81ST LEGISLATIVE REGULAR SESSION

May 11, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2467 by Rodriguez (Relating to the definition of a playground for purposes of certain places protected from certain criminal activities.), **As Engrossed**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, GG, TMP

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

CRIMINAL JUSTICE IMPACT STATEMENT

81ST LEGISLATIVE REGULAR SESSION

March 26, 2009

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2467 by Rodriguez (Relating to the definition of a playground for purposes of certain places protected from certain criminal activities.), **As Introduced**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, GG

