

By: Williams

S.B. No. 1780

A BILL TO BE ENTITLED

AN ACT

relating to delivering, dispensing or distributing a controlled substance; creating a penalty.

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

SECTION 1. Texas Penal Code Section 71.02 is amended to read as follows:

(a) A person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang, the person commits or conspires to commit one or more of the following:

(1) murder, capital murder, arson, aggravated robbery, robbery, burglary, theft, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, forgery, deadly conduct, assault punishable as a Class A misdemeanor, burglary of a motor vehicle, or unauthorized use of a motor vehicle;

(2) any gambling offense punishable as a Class A misdemeanor;

(3) promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution;

(4) unlawful manufacture, transportation, repair, or sale of firearms or prohibited weapons;

(5) unlawful manufacture, delivery, dispensation, or distribution of a controlled substance or dangerous drug, or

1 unlawful possession of a controlled substance or dangerous drug
2 through forgery, fraud, misrepresentation, or deception; or
3 delivering, dispensing or distributing a controlled substance
4 while in violation of Title 3, Chapter 151, Chapter 165 and Chapter
5 167 of the Texas Occupations Code.

6 (6) any unlawful wholesale promotion or possession of
7 any obscene material or obscene device with the intent to wholesale
8 promote the same;

9 (7) any offense under Subchapter B, Chapter 43,
10 depicting or involving conduct by or directed toward a child
11 younger than 18 years of age;

12 (8) any felony offense under Chapter 32;

13 (9) any offense under Chapter 36;

14 (10) any offense under Chapter 34 or 35;

15 (11) any offense under Section 37.11(a);

16 (12) any offense under Chapter 20A;

17 (13) any offense under Section 37.10; or

18 (14) any offense under Section 46.06(a)(1) or 46.14.

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

27 SECTION 3. This Act takes effect September 1, 2011.