

BILL ANALYSIS

H.B. 2914
By: Thompson, Senfronia
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that Texas incarcerates a large number of individuals for low-level drug possession offenses. It is estimated that in a recent two-year period more than 15,000 individuals were sentenced to state jail for a drug conviction, and of these individuals, a significant majority were convicted of possessing less than one gram of a controlled substance without the intent to deal or distribute the substance. Furthermore, individuals found in possession of residue or trace amounts of a controlled substance can be convicted of a state jail felony and sent to state jail or prison. In an effort to protect due process by allowing both the state and defense to test the controlled substance in a crime lab, H.B. 2914 establishes 0.02 grams of a controlled substance in Penalty Group 1 of the Texas Controlled Substances Act as the minimum weight necessary to constitute a state jail felony.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2914 amends the Health and Safety Code to establish a usable quantity of 0.02 grams as the minimum amount of the controlled substance possessed that constitutes the state jail felony offense of possession of a substance in Penalty Group 1 of the Texas Controlled Substances Act.

EFFECTIVE DATE

September 1, 2013.