

By: Dutton, Burnam, et al.

H.B. No. 184

Substitute the following for H.B. No. 184:

By: Herrero

C.S.H.B. No. 184

A BILL TO BE ENTITLED

AN ACT

relating to the penalties for possession of one ounce or less of marihuana or a synthetic cannabinoid by certain defendants.

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

SECTION 1. Subchapter D, Chapter 481, Health and Safety Code, is amended by adding Section 481.109 to read as follows:

Sec. 481.109. REDUCTION OF PUNISHMENT FOR CERTAIN YOUTHFUL DEFENDANTS. (a) A court shall punish a defendant who is convicted of a Class B misdemeanor under Section 481.1161 or 481.121 by imposing the punishment for a Class C misdemeanor if:

(1) the defendant was younger than 21 years of age at the time of the commission of the offense;

(2) the amount of controlled substance or marihuana, as appropriate, possessed by the defendant was, by aggregate weight, including adulterants or dilutants, one ounce or less;

(3) the defendant has not been previously convicted of an offense under Section 481.1161 or 481.121 or an offense under the laws of another state that contains elements substantially similar to the elements of an offense under either of those sections; and

(4) the defendant agrees to complete a drug abuse awareness and education program approved by the Department of State Health Services.

(b) Except as provided by Subsection (c), for purposes of this chapter and other law, a defendant punished under this section

1 is considered to be convicted of a Class C misdemeanor, and the
2 conviction may not be used for purposes of enhancement.

3 (c) The court in which a defendant is punished under this
4 section retains jurisdiction for 180 days for the limited purpose
5 of determining whether the defendant has completed a drug abuse
6 awareness and education program described by Subsection (a)(4). On
7 a determination by the court that the defendant will not complete
8 the program in a timely fashion, the court shall impose the
9 punishment otherwise provided by Section 481.1161 or 481.121.

10 SECTION 2. The changes in law made by this Act apply only to
11 an offense committed on or after the effective date of this Act. An
12 offense committed before the effective date of this Act is governed
13 by the law in effect on the date the offense was committed, and the
14 former law is continued in effect for that purpose. For purposes of
15 this section, an offense was committed before the effective date of
16 this Act if any element of the offense was committed before that
17 date.

18 SECTION 3. This Act takes effect September 1, 2013.