

By: Phillips, Fallon

H.B. No. 3240

A BILL TO BE ENTITLED

AN ACT

relating to the penalty for delivery of certain miscellaneous substances under the Texas Controlled Substances Act.

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

SECTION 1. Section 481.119, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) A person commits an offense if the person knowingly manufactures, delivers, or possesses with intent to deliver a controlled substance listed in a schedule by an action of the commissioner under this chapter but not listed in a penalty group. Except as provided by Subsection (c), an [An] offense under this subsection is a Class A misdemeanor.

(c) An offense under Subsection (a) is a state jail felony if the person delivers a controlled substance described by that subsection to a person:

(1) who is younger than 18 years of age;

(2) who is enrolled in a public or private primary or secondary school; or

(3) who the actor knows or believes intends to deliver the controlled substance to a person described by Subdivision (1) or (2).

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act.

1 An offense committed before the effective date of this Act is  
2 governed by the law in effect on the date the offense was committed,  
3 and the former law is continued in effect for that purpose. For  
4 purposes of this section, an offense was committed before the  
5 effective date of this Act if any element of the offense occurred  
6 before that date.

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