

By: Phillips

H.B. No. 3240

A BILL TO BE ENTITLED

AN ACT

relating to delivery of a controlled substance; providing a penalty.

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

SECTION 1. Sec. 481.1221, Health and Safety Code, is amended by adding Sec. 481.1221.

Sec. 481.1221. OFFENSE: DELIVERY OF CONTROLLED SUBSTANCE TO CHILD. (a) A person commits an offense if the person knowingly delivers a controlled substance listed in a schedule by an action of the commissioner under this chapter but not listed in a penalty group to a person:

(1) who is a child;

(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).

(b) An offense under this section is a state jail felony.

(c) In this section, "child" means a person younger than 18 years of age.

(d) If conduct that is an offense under this section is also an offense under another section of this chapter, the actor may be prosecuted under either section or both.

SECTION 2. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2013.