

By: Ellis

S.B. No. 1291

A BILL TO BE ENTITLED

AN ACT

relating to the penalty for possession of certain small amounts of  
Penalty Group 1 controlled substances.

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

SECTION 1. Section 481.115, Health and Safety Code, is  
amended by adding Subsection (a-1) and amending Subsection (b) to  
read as follows:

(a-1) An offense under Subsection (a) is a Class C  
misdemeanor if the amount of the controlled substance possessed is,  
by aggregate weight, including adulterants or dilutants:

(1) 0.02 gram or less; or

(2) less than an amount sufficient to conduct a  
second, confirmatory test of the substance to verify the accuracy  
of the results of the initial test identifying the substance.

(b) An offense under Subsection (a) is a state jail felony  
if the amount of the controlled substance possessed is, by  
aggregate weight, including adulterants or dilutants, a usable  
quantity that is more than 0.02 gram but less than one gram.

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.  
An offense committed before the effective date of this Act is  
governed by the law in effect on the date the offense was committed,  
and the former law is continued in effect for that purpose. For  
purposes of this section, an offense was committed before the

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1 effective date of this Act if any element of the offense was  
2 committed before that date.

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