

BILL ANALYSIS

H.B. 1424
By: Lozano
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

According to recent reports, synthetic cannabinoids have become a widespread problem throughout Texas, and it has been reported that synthetic cannabinoid abuse may be linked to several illnesses. Despite past efforts to curb its use, there are concerns that the manufacturing, distribution, sale, and use of these drugs persists. H.B. 1424 is another attempt to hinder the use of synthetic cannabinoids.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 1424 amends the Health and Safety Code to add certain synthetic chemical compounds to the controlled substances listed in Penalty Groups 2 and 2-A of the Texas Controlled Substances Act. The bill establishes that Penalty Group 2-A, for purposes of prosecution of an offense under the Texas Controlled Substances Act involving the manufacture, delivery, or possession of a controlled substance, includes a controlled substance analogue that has a chemical structure substantially similar to the chemical structure of a controlled substance listed in Penalty Group 2-A or is specifically designed to produce an effect substantially similar to, or greater than, a controlled substance in Penalty Group 2-A.

H.B. 1424 enhances from a Class A misdemeanor to a state jail felony the penalty for knowingly manufacturing, delivering, or possessing with intent to deliver a controlled substance listed in a schedule by an action of the commissioner of state health services but not listed in a penalty group if the actor has been previously convicted of the offense one time and enhances from a Class A misdemeanor to a third degree felony the penalty for such an offense if the actor has been previously convicted of the offense two or more times.

EFFECTIVE DATE

September 1, 2015.