

By: Phillips

H.B. No. 3191

Substitute the following for H.B. No. 3191:

By: Herrero

C.S.H.B. No. 3191

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the penalty for delivery of certain miscellaneous  
3 substances under the Texas Controlled Substances Act; increasing a  
4 criminal penalty.

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

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

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

15 (c) An offense under Subsection (a) is a state jail felony  
16 if the actor:

17 (1) was 18 years of age or older at the time of the  
18 offense; and

19 (2) delivered a controlled substance described by that  
20 subsection to:

21 (A) a person who, at the time of the offense, was:

22 (i) younger than 18 years of age; or

23 (ii) enrolled in a public or private  
24 primary or secondary school; or

1                   (B) a person that the actor knew or believed  
2 intended to deliver the controlled substance to a person described  
3 by Paragraph (A).

4           SECTION 2. The change in law made by this Act applies only  
5 to an offense committed on or after the effective date of this Act.  
6 An offense committed before the effective date of this Act is  
7 governed by the law in effect on the date the offense was committed,  
8 and the former law is continued in effect for that purpose. For  
9 purposes of this section, an offense was committed before the  
10 effective date of this Act if any element of the offense occurred  
11 before that date.

12           SECTION 3. This Act takes effect September 1, 2015.