

By: Phillips

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 person delivers a controlled substance described by that
17 subsection to a person:

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

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

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

24 SECTION 2. The change in law made by this Act applies only

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

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