

By: Schwertner

S.B. No. 236

A BILL TO BE ENTITLED

AN ACT

relating to the punishment of certain controlled substance offenses committed in a drug-free zone.

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

SECTION 1. Sections 481.134(b), (c), and (d), Health and Safety Code, are amended to read as follows:

(b) An offense otherwise punishable as a state jail felony under Section 481.112, 481.1121, 481.113, 481.114, or 481.120 is punishable as a felony of the third degree, and an offense otherwise punishable as a felony of the second degree under any of those sections is punishable as a felony of the first degree, if it is shown at the punishment phase of the trial of the offense that the offense was committed:

(1) in, on, or within 1,000 feet of premises owned, rented, or leased by an institution of higher learning, the premises of a public or private youth center, or a playground; or

(2) in, on, or within 300 feet of the premises of a public swimming pool or video arcade facility.

(c) The minimum term of confinement or imprisonment for an offense otherwise punishable under Section 481.112(c), (d), (e), or (f), 481.1121(b)(2), (3), or (4), 481.113(c), (d), or (e), 481.114(c), (d), or (e), 481.115(c)-(f), 481.1151(b)(2), (3), (4), or (5), 481.116(c), (d), or (e), 481.1161(b)(4), (5), or (6), 481.117(c), (d), or (e), 481.118(c), (d), or (e), 481.120(b)(4),

1 (5), or (6), or [481.121\(b\)\(4\)](#), (5), or (6) is increased by five
2 years and the maximum fine for the offense is doubled if it is shown
3 on the trial of the offense that the offense was committed:

4 (1) in, on, or within 1,000 feet of the premises of a
5 school, the premises of a public or private youth center, or a
6 playground; or

7 (2) on a school bus.

8 (d) An offense otherwise punishable under Section
9 [481.112\(b\)](#), [481.1121\(b\)\(1\)](#), [481.113\(b\)](#), [481.114\(b\)](#), [481.115\(b\)](#),
10 [481.1151\(b\)\(1\)](#), [481.116\(b\)](#), [481.1161\(b\)\(3\)](#), [481.120\(b\)\(3\)](#), or
11 [481.121\(b\)\(3\)](#) is a felony of the third degree if it is shown on the
12 trial of the offense that the offense was committed:

13 (1) in, on, or within 1,000 feet of any real property
14 that is owned, rented, or leased to a school or school board, the
15 premises of a public or private youth center, or a playground; or

16 (2) on a school bus.

17 SECTION 2. The change in law made by this Act applies only
18 to an offense committed on or after the effective date of this Act.
19 An offense committed before the effective date of this Act is
20 governed by the law in effect on the date the offense was committed,
21 and the former law is continued in effect for that purpose. For
22 purposes of this section, an offense was committed before the
23 effective date of this Act if any element of the offense occurred
24 before that date.

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