

1-1 By: Schwertner S.B. No. 236  
 1-2 (In the Senate - Filed December 10, 2014; January 28, 2015,  
 1-3 read first time and referred to Committee on Criminal Justice;  
 1-4 March 16, 2015, reported favorably by the following vote: Yeas 7,  
 1-5 Nays 0; March 16, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to the punishment of certain controlled substance offenses  
 1-18 committed in a drug-free zone.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Sections [481.134\(b\)](#), (c), and (d), Health and  
 1-21 Safety Code, are amended to read as follows:

1-22 (b) An offense otherwise punishable as a state jail felony  
 1-23 under Section [481.112](#), [481.1121](#), [481.113](#), [481.114](#), or [481.120](#) is  
 1-24 punishable as a felony of the third degree, and an offense otherwise  
 1-25 punishable as a felony of the second degree under any of those  
 1-26 sections is punishable as a felony of the first degree, if it is  
 1-27 shown at the punishment phase of the trial of the offense that the  
 1-28 offense was committed:

1-29 (1) in, on, or within 1,000 feet of premises owned,  
 1-30 rented, or leased by an institution of higher learning, the  
 1-31 premises of a public or private youth center, or a playground; or

1-32 (2) in, on, or within 300 feet of the premises of a  
 1-33 public swimming pool or video arcade facility.

1-34 (c) The minimum term of confinement or imprisonment for an  
 1-35 offense otherwise punishable under Section [481.112\(c\)](#), (d), (e), or  
 1-36 (f), [481.1121\(b\)\(2\)](#), (3), or (4), [481.113\(c\)](#), (d), or (e),  
 1-37 [481.114\(c\)](#), (d), or (e), [481.115\(c\)-\(f\)](#), [481.1151\(b\)\(2\)](#), (3), (4),  
 1-38 or (5), [481.116\(c\)](#), (d), or (e), [481.1161\(b\)\(4\)](#), (5), or (6),  
 1-39 [481.117\(c\)](#), (d), or (e), [481.118\(c\)](#), (d), or (e), [481.120\(b\)\(4\)](#),  
 1-40 (5), or (6), or [481.121\(b\)\(4\)](#), (5), or (6) is increased by five  
 1-41 years and the maximum fine for the offense is doubled if it is shown  
 1-42 on the trial of the offense that the offense was committed:

1-43 (1) in, on, or within 1,000 feet of the premises of a  
 1-44 school, the premises of a public or private youth center, or a  
 1-45 playground; or

1-46 (2) on a school bus.

1-47 (d) An offense otherwise punishable under Section  
 1-48 [481.112\(b\)](#), [481.1121\(b\)\(1\)](#), [481.113\(b\)](#), [481.114\(b\)](#), [481.115\(b\)](#),  
 1-49 [481.1151\(b\)\(1\)](#), [481.116\(b\)](#), [481.1161\(b\)\(3\)](#), [481.120\(b\)\(3\)](#), or  
 1-50 [481.121\(b\)\(3\)](#) is a felony of the third degree if it is shown on the  
 1-51 trial of the offense that the offense was committed:

1-52 (1) in, on, or within 1,000 feet of any real property  
 1-53 that is owned, rented, or leased to a school or school board, the  
 1-54 premises of a public or private youth center, or a playground; or

1-55 (2) on a school bus.

1-56 SECTION 2. The change in law made by this Act applies only  
 1-57 to an offense committed on or after the effective date of this Act.  
 1-58 An offense committed before the effective date of this Act is  
 1-59 governed by the law in effect on the date the offense was committed,  
 1-60 and the former law is continued in effect for that purpose. For  
 1-61 purposes of this section, an offense was committed before the

2-1 effective date of this Act if any element of the offense occurred  
2-2 before that date.

2-3 SECTION 3. This Act takes effect September 1, 2015.

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