

BILL ANALYSIS

C.S.H.B. 2518
By: Toth
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There have been calls to reform the criminal justice system through the decriminalization and decreasing of penalties for certain nonviolent, low-level offenses. Specifically, it has been suggested that the penalties for possession of certain small amounts of marihuana should be decreased. C.S.H.B. 2518 seeks to address this issue by decreasing the penalty for the possession of two ounces or less of marihuana and prohibiting an arrest for such possession without a warrant.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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

C.S.H.B. 2518 amends the Health and Safety Code to decrease the penalty for possession of two ounces or less of marihuana from a Class B misdemeanor to a Class C misdemeanor and to remove the penalty enhancement for possession of that amount committed in certain drug-free zones. These provisions apply to an offense committed before, on, or after September 1, 2019, except that a final conviction for an offense that exists on that date is unaffected by the bill.

C.S.H.B. 2518 amends the Code of Criminal Procedure to prohibit a peace officer or any other person from arresting an offender for such a fine-only marihuana possession offense without a warrant.

C.S.H.B. 2518 amends the Transportation Code to establish that a person's license is not automatically suspended on conviction of such a fine-only marihuana possession offense and that the Department of Public Safety is not prohibited from issuing a driver's license to a person convicted of such an offense who, on the date of the conviction, did not hold a driver's license. These provisions take effect on the 91st day after the date the office of the attorney general publishes in the Texas Register a certain specified finding regarding the legislature's adoption of a certain resolution, the governor's submission of related certifications to the U.S. secretary of transportation, and the secretary's response and certification that highway funds will not be withheld from the state for certain related purposes.

C.S.H.B. 2518 amends the Government Code to make conforming changes.

EFFECTIVE DATE

Except as otherwise provided, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2518 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions making the marihuana possession penalty decrease and removal of the penalty enhancement applicable to an offense committed before, on, or after September 1, 2019, and establishes that a final conviction for an offense that exists on that date is unaffected by the bill.

The substitute includes prohibitions against a peace officer or any other person arresting an offender for possession of two ounces or less of marihuana without a warrant.

The substitute includes provisions establishing that a person's license is not automatically suspended on conviction of such an offense and that DPS is not prohibited from issuing a driver's license to a person so convicted and setting a different effective date for those provisions.