

By: Flores

S.B. No. 1457

A BILL TO BE ENTITLED

AN ACT

1
2 relating to increasing the criminal penalty for the offense of
3 manufacture or delivery of a substance in Penalty Group 1 of the
4 Texas Controlled Substances Act.

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

6 SECTION 1. Article 42A.555(a), Code of Criminal Procedure,
7 is amended to read as follows:

8 (a) A judge assessing punishment in a state jail felony case
9 may impose as a condition of community supervision that a defendant
10 submit at the beginning of the period of community supervision to a
11 term of confinement in a state jail felony facility for a term of:

12 (1) not less than 90 days or more than 180 days; or

13 (2) not less than 90 days or more than one year, if the
14 defendant is convicted of an offense punishable as a state jail
15 felony under Section [~~481.112~~] 481.1121, 481.113, or 481.120,
16 Health and Safety Code.

17 SECTION 2. Section 481.112(b), Health and Safety Code, is
18 amended to read as follows:

19 (b) An offense under Subsection (a) is a [~~state jail~~]
20 of the third degree felony if the amount of the controlled substance to
21 which the offense applies is, by aggregate weight, including
22 adulterants or dilutants, less than one gram.

23 SECTION 3. Sections 481.134(b), (c), and (d), Health and
24 Safety Code, are amended to read as follows:

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

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

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

13 (c) The minimum term of confinement or imprisonment for an
14 offense otherwise punishable under Section 481.112(b), (c)
15 [~~481.112(c)~~], (d), (e), or (f), 481.1121(b)(2), (3), or (4),
16 481.113(c), (d), or (e), 481.114(c), (d), or (e), 481.115(c)-(f),
17 481.1151(b)(2), (3), (4), or (5), 481.116(c), (d), or (e),
18 481.1161(b)(4), (5), or (6), 481.117(c), (d), or (e), 481.118(c),
19 (d), or (e), 481.120(b)(4), (5), or (6), or 481.121(b)(4), (5), or
20 (6) is increased by five years and the maximum fine for the offense
21 is doubled if it is shown on the trial of the offense that the
22 offense was committed:

23 (1) in, on, or within 1,000 feet of the premises of a
24 school, the premises of a public or private youth center, or a
25 playground; or

26 (2) on a school bus.

27 (d) An offense otherwise punishable under Section

1 ~~[481.112(b),]~~ 481.1121(b)(1), 481.113(b), 481.114(b), 481.115(b),
2 481.1151(b)(1), 481.116(b), 481.1161(b)(3), 481.120(b)(3), or
3 481.121(b)(3) is a felony of the third degree if it is shown on the
4 trial of the offense that the offense was committed:

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

8 (2) on a school bus.

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

17 SECTION 5. This Act takes effect September 1, 2019.