

SUBJECT: Possession of drugs in a correctional facility

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Hinojosa, Dunnam, Garcia, Keel, Nixon, Wise
0 nays
3 absent — Green, Smith, Talton

WITNESSES: None

BACKGROUND: Sec. 38.11 of the Penal Code makes it a offense for a person to possess a controlled substance or dangerous drug while on property owned, used, or controlled by the Texas Department of Criminal Justice. The offense is a third degree felony, punishable by two to 10 years in prison and an optional fine of up to \$10,000.

Penal Code sec. 1.07(14) defines “correctional facility” as a place designated by law for the confinement of a person arrested for, charged with, or convicted of a criminal offense and includes a municipal or county jail, a confinement facility run or contracted by the Texas Department of Criminal Justice (TDCJ), and a community corrections facility.

DIGEST: HB 163 would add correctional facility to the list of places where a person commits an offense by possessing a controlled substance or dangerous drug.

HB 163 would take effect September 1, 1999, and apply only to offenses committed after this date.

SUPPORTERS SAY: HB 163 is a clean-up measure, making it clear that possession of drugs is illegal in any type of correctional facility, not just on property owned or controlled by TDCJ. Also, it already is illegal to provide to an inmate a controlled substance or to bring a controlled substance or dangerous drug into a correctional facility. This bill also would add drug possession in a correctional facility as an offense, correcting an unintended omission in the law.

HB 163
House Research Organization
page 2

OPPONENTS No apparent opposition.
SAY: