

SUBJECT: Enhancing a certain controlled substance offense involving a minor

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 8 ayes — Herrero, Carter, Burnam, Canales, Leach, Moody, Schaefer, Toth
0 nays
1 absent — Hughes

WITNESSES: For — *(Registered, but did not testify:* Lon Craft, Texas Municipal Police Association; Annie Mahoney, Texas Conservative Coalition)
Against — None

BACKGROUND: Health and Safety Code, sec. 481.119, makes it a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) to manufacture, deliver, or intend to deliver a controlled substance listed in a schedule by the Health and Human Services executive commissioner but not listed in a penalty group. This could allow the prosecution of individuals who manufacture or deliver newly developed illicit drugs.

DIGEST: CSHB 3240 would make it a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000) to deliver certain controlled substances listed in a schedule by the commissioner to a person:

- younger than 18 years old;
- enrolled in a public or private primary or secondary school; or
- whom the actor knows or believes intends to deliver the substance to someone younger than 18 years old or enrolled in primary or secondary school.

The bill would take effect September 1, 2013, and would apply to offenses committed on or after that date.