

- SUBJECT:** Revising Controlled Substance Act Penalty Groups 1-A, 2
- COMMITTEE:** Criminal Jurisprudence — committee substitute recommended
- VOTE:** 7 ayes — Herrero, Moody, Canales, Hunter, Leach, Shaheen, Simpson
0 nays
- WITNESSES:** For — Justin Wood, Harris County District Attorney's Office; Azell Carter, Pasadena Police Department Regional Crime Laboratory; Eric Brown; (*Registered, but did not testify*: Will Ramsay, 8th Judicial District Attorney's Office; William Squires, Bexar County District Attorney; Eddie Solis, City of Abilene, City of Arlington; Jennifer Tharp, Comal County Criminal District Attorney; Frederick Frazier, Dallas Police Association; Mark Clark, Houston Police Officers Union; Jessica Anderson, Houston Police Department; Tiana Sanford, Montgomery County District Attorney's Office; Larry Smith, William Travis, Maxey Cerliano, Micah Harmon, A.J. Louderback, Sheriffs' Association of Texas; Michael Pacheco, Texas Farm Bureau; Monty Wynn, Texas Municipal League; Donald Baker, Texas Police Chiefs Association; Lon Craft, Texas Municipal Police Association; James Grunden and Bobby Sanders, Upshur County Sheriff's Office; Robert E. Johnson, Jr., Webb County; Anna Bowers; James Capra; Paul Quinzi; R. Glenn Smith)
- Against — None
- On — Drew Fout, Department of Public Safety Crime Lab; Aaron Crowell, Texas Municipal Police Association; (*Registered, but did not testify*: Skylor Hearn, Texas Department of Public Safety)
- BACKGROUND:** Health and Safety Code, ch. 481 is the Texas Controlled Substances Act. It categorizes illegal substances into penalty groups and provides penalties for crimes related to certain controlled substance analogues that have chemical structures substantially similar to those of controlled substances and those specifically designed to produce an effect similar to or greater than the effect of certain controlled substances. Drugs are placed into

penalty groups based on their dangerousness, with penalty group 1 having the most serious drugs. Under sec. 481.1021, penalty group 1-A consists of lysergic acid diethylamide (LSD), including its salts, isomers, and salts of isomers.

DIGEST:

CSHB 595 would expand penalty group 1-A to include compounds derived from certain chemical structures. It would include compounds with certain types of modifications to their chemical structures.

The bill also would add several chemical structures to penalty group 2, which consists of hallucinogenic substances, isomers, and salts. It also would include compounds derived from certain structures through certain types of modifications.

CSHB 595 would include solid forms of controlled substances in the definition that describes different types of units of illegal drugs.

If substances listed in penalty group 2 under Health and Safety Code secs. 481.103 (5), (6), and (7) — all of which would be added by the bill — and substances in sec. 481.103 (a) — which would be amended by the bill — conflicted with other laws, the other law would prevail. If a substance in the section also was listed in another penalty group, the listing in the other penalty groups would apply. If a substance listed in penalty group 2 gained certain federal approval, the inclusion of the substance in the penalty group would not apply and, notwithstanding any other law, a person could not be convicted of the manufacture, delivery, or possession of the substance.

The bill would take effect September 1, 2015, and would apply only to an offense committed on or after that date.

**SUPPORTERS
SAY:**

CSHB 595 would combat a growing problem with dangerous synthetic drugs. Texas has experienced an increase in the availability of a potentially deadly group of synthetic drugs with effects similar to LSD, some of which are known as New LSD, N-Bomb, and 25I. Side effects from these potent psychedelic drugs can include violent shaking,

vomiting, insomnia, paranoia, and seizures, and an increasing number of deaths have been attributed to these drugs.

Currently, there is nothing in the law allowing law enforcement officials to combat these synthetic drugs. CSHB 595 would address these issues by adding the most common of these drugs to appropriate penalty groups based on how the drugs are ingested and the group to which each drug's non-synthetic counterpart belongs. The bill would focus the law on core chemical structures, rather than chemical compounds, to allow law enforcement to combat new, slightly altered versions of drugs that can rapidly appear if one drug is made illegal. The broad language in the bill would enable law enforcement authorities to go after new dangerous drugs without having to wait until the Legislature met. These changes also would help with the classification of the drugs by lab technicians, which would aid in combatting the drugs.

These changes would help law enforcement authorities keep pace with the rapidly evolving designer drug market and give them the necessary tools to fight these dangerous drugs. The bill also would be in step with changes at the federal level, where some of the drugs recently were outlawed.

CSHB 595 is directed toward revising penalty groups relating to synthetic drugs and would not be the vehicle to alter drug penalties.

**OPPONENTS
SAY:**

Adjusting the penalty groups to reflect synthetic drugs would be a good opportunity to examine the structure of the state's drug penalties, especially focusing on low-level amounts.