

- SUBJECT:** Including offenses involving LSD in the state's drug-free zone laws
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 7 ayes — Herrero, Moody, Canales, Hunter, Leach, Shaheen, Simpson
0 nays
- SENATE VOTE:** On final passage, April 1 — 30-0
- WITNESSES:** (*On House companion bill, HB 3807*)
For — (*Registered, but did not testify:* Donald Baker, Texas Police Chiefs Association; Maxey Cerliano, Micah Harmon, A.J., Louderback, Larry Smith and William Travis, Sheriffs' Association of Texas; James Grunden and Bobby Sanders, Upshur County Sheriff's Office; Tiana Sanford, Montgomery County District Attorney's Office; Anna Bowers; James Capra; R. Glenn Smith)

Against — Marc Levin, Texas Public Policy Foundation Center for Effective Justice; (*Registered, but did not testify:* Destiny Young)

On — (*Registered, but did not testify:* Corwin Schalchlin, 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 the manufacture, delivery, and possession of controlled substances.

Sec. 481.134 establishes drug-free zones, which include schools, youth centers, and playgrounds and certain areas around them. Certain drug offenses occurring in these zones can be punished with increased penalties, increased minimum terms of confinement, and higher fines. These increased punishments apply to substances in Penalty Groups 1, 2, 2-A, 3, and 4, and some marijuana offenses.

Sec. 481.1021 establishes Penalty Group 1-A, consisting of LSD and its

salts, isomers, and salts of isomers. In 1997, LSD was removed from Penalty Group 1, which bases punishments on weight, and was placed into a new Penalty Group 1-A, which bases punishments on abuse units.

Health and Safety Code, sec. 481.1121 establishes the punishments for the manufacture or delivery of substances in Penalty Group 1-A, and sec. 481.1151 establishes penalties for possession of substances in Penalty Group 1-A. The punishments range from a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000) to life in prison or certain minimum and maximum terms, depending on the amount of drugs involved.

DIGEST:

SB 236 would add Penalty Group 1-A, LSD, to the Health and Safety Code provisions on drug-free zones. The penalty group would be added to provisions that increase the punishments for the manufacture or delivery of the substances and that increase the minimum term of confinement and the maximum fine for the manufacture, delivery, or possession of the substances.

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

**SUPPORTERS
SAY:**

SB 236 would ensure that offenses related to LSD were included in the state's drug-free zones laws. When LSD was moved from Penalty Group 1 to a Penalty Group 1-A so that offenses would be based on abuse units and not weight, the drug-free zone laws were not updated to include the new penalty group. SB 236 would correct this oversight and ensure that the penalties for drug offenses involving LSD in drug-free zones were consistent with the penalties for other drug offenses. SB 236 is not the vehicle for an overhaul of the state's drug-free zone laws but merely would correct an oversight in those laws.

**OPPONENTS
SAY :**

The state's drug-free zone laws should be revised to be based on selling drugs to a minor, rather than on the place in which the offense occurs. Basing the zones on distances from schools or other places can result in enhanced penalties for offenses that did not involve children.