

BILL ANALYSIS

Senate Research Center

H.B. 656
By: Noriega (Whitmire)
Criminal Justice
5/11/1999
Engrossed

DIGEST

Currently, Texas law provides that a person commits a Class B misdemeanor if the person, in order to create a state of intoxication, inhales, ingests, applies, or uses a substance containing a volatile chemical, or possesses such a substance with the intent to do so. The law also provides that a person commits a Class B misdemeanor if the person sells or delivers such a substance to a minor. Nevertheless, recent studies have found that inhalant use by minors remains problematic in certain areas of the state. H.B. 656 would establish provisions regarding the penalty for sale or delivery of a substance containing a volatile chemical to a minor.

PURPOSE

As proposed, H.B. 656 establishes provisions regarding the penalty for sale or delivery of a substance containing a volatile chemical to a minor.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 484.005, Health and Safety Code, by amending Subsection (e) and adding Subsections (f), (g), and (h), to establish actions that constitute an offense under this section, except as provided by Subsection (f). Provides that an offense under this section is a felony of the third degree, if it is shown at the punishment phase of the trial of the offense that the offense fulfilled certain conditions regarding proximity to school grounds, a school bus, or a public or private youth center. Sets forth conditions for which Subsection (f) does not apply to an offense. Defines "institution of higher education," "playground," "premises," "school," "video arcade facility," and "youth center."

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.