

BILL ANALYSIS

Senate Research Center
77R1140 PEP-D

S.B. 21
By: Shapiro
Criminal Justice
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As Filed

DIGEST AND PURPOSE

Currently under Texas law, it is not considered a crime to attempt to solicit or purchase a controlled substance. As proposed, S.B. 21 applies only to those 21 years of age and younger and makes the solicitation of a controlled substance illegal.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 15.03, Penal Code, by amending as follows: Subsections (a) and (d) and adding Subsection (e),

(a) Provides that a person commits an offense if, with intent that an offense under Chapter 481(Texas Controlled Substances Act), Health and Safety Code, for the delivery of a controlled substance be committed, the person requests, commands, or attempts to induce another to engage in specific conduct that, under the circumstances surrounding the other person's conduct, would constitute the felony or make the other a party to its commission. Makes nonsubstantive changes.

(d) Provides an exception to an offense under this section. Makes a nonsubstantive change.

(e) Provides that the punishment for the solicitation of the delivery of a controlled substance is determined according to the substance's penalty group and to the amount of the controlled substance for which delivery is solicited, unless the substance is marihuana, in which event the punishment is determined according to the amount solicited. Provides that the punishment for solicitation of delivery of a controlled substance listed in a penalty group is one category lower than the punishment applicable to a person who delivers a controlled substance in that penalty group in the same amount as the amount solicited by the actor. Provides the punishment for solicitation of marihuana is one category lower than the punishment applicable to a person who delivers marihuana in the same amount as the amount solicited by the actor. Provides that an offense under this section is a Class B misdemeanor if the actor solicits delivery of a controlled substance but does not solicit delivery of a specific amount.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2001.