

BILL ANALYSIS

Senate Research Center
81R22892 JSC-D

C.S.S.B. 912
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Criminal Justice
4/9/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A great deal of diversion of controlled substances is committed by persons who have access to controlled substances by the nature of their profession or employment. This legislation is designed to address those persons who, by the nature of their profession or employment, divert controlled substances for personal use or the use of another. This legislation will aid in preventing the sale of stolen controlled substances on the black market by holding those with trusted access to the controlled substance more accountable.

C.S.S.B. 912 amends current law relating to the diversion of a controlled substance by certain persons who have access to the substance by virtue of the person's profession or employment; providing penalties.

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 Subchapter D, Chapter 481, Health and Safety Code, by adding Section 481.1285, as follows:

Sec. 481.1285. OFFENSE: DIVERSION OF CONTROLLED SUBSTANCE BY REGISTRANTS, DISPENSERS, AND CERTAIN OTHER PERSONS. (a) Provides that this section applies only to a registrant, a dispenser, or a person who, pursuant to Section 481.062(a)(1) (relating to certain persons not required to register and authorized to possess a controlled substance) or (2) (relating to certain persons not required to register and authorized to possess a controlled substance), is not required to register under this subchapter.

(b) Provides that a person commits an offense if the person knowingly converts to the person's own use or benefit a controlled substance to which the person has access by virtue of the person's profession or employment; or diverts to the unlawful use or benefit of another person a controlled substance to which the person has access by virtue of the person's profession or employment.

(c) Provides that an offense under Subsection (b)(1) is a state jail felony. Provides that an offense under Subsection (b)(2) is a felony of the third degree.

(d) Authorizes the actor to be prosecuted under this section, the other law, or both, if conduct that constitutes an offense under this section also constitutes an offense under any other law.

SECTION 2. Effective date: September 1, 2009.