

## **BILL ANALYSIS**

S.B. 236  
By: Schwertner  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, the sale or possession of substances in Penalty Group 1, 2, 2-A, 3 and 4 of the Texas Controlled Substances Act within a drug-free zone subjects an offender to an enhanced penalty. Interested parties point to an oversight by previous legislation that created a new category, Penalty Group 1-A, of controlled substances but omitted Penalty Group 1-A substances in provisions enhancing the penalty for the sale or possession of certain substances within drug-free zones. S.B. 236 seeks to correct this oversight by revising provisions relating to the punishment of certain controlled substance offenses committed in a drug-free zone.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 236 amends the Health and Safety Code to include the knowing manufacture or delivery of or possession with intent to deliver a controlled substance listed in Penalty Group 1-A of the Texas Controlled Substances Act among the offenses otherwise punishable as a state jail felony or punishable as a second degree felony for which the penalty is enhanced to the next higher degree of felony if it is shown at the punishment phase of the trial of the offense that the offense was committed in, on, or within 1,000 feet of premises owned, rented, or leased by an institution of higher learning; the premises of a public or private youth center, or a playground; or in, on, or within 300 feet of the premises of a public swimming pool or video arcade facility.

S.B. 236 expands the category of offenses for which the minimum term of confinement or imprisonment is increased by five years and the maximum fine for the offense is doubled if it is shown on the trial of the offense that the offense was committed on a school bus or in, on, or within 1,000 feet of the premises of a school, the premises of a public or private youth center, or a playground, to include an offense, other than a state jail felony offense, for the knowing possession of and the knowing manufacture or delivery of or possession with intent to deliver a controlled substance listed in Penalty Group 1-A in any amount equal to or greater than 20 abuse units.

S.B. 236 enhances from a state jail felony to a third degree felony the penalty for a conviction of the knowing possession of or the knowing manufacture or delivery of or possession with intent to deliver fewer than 20 abuse units of a controlled substance listed in Penalty Group 1-A if it is

shown on the trial of the offense that the offense was committed on a school bus or in, on, or within 1,000 feet of any real property that is owned, rented, or leased to a school or school board, the premises of a public or private youth center, or a playground.

**EFFECTIVE DATE**

September 1, 2015.