

BILL ANALYSIS

Senate Research Center
76R4901 PEP-D

S.B. 1632
By: Shapiro
Criminal Justice
4/15/1999
As Filed

DIGEST

Currently, the purchase of drugs, in itself, is not considered illegal; only the possession or delivery of the drugs, however, is punishable. S.B. 1631 would create an offense for the criminal solicitation of certain controlled substances, and provide penalties accordingly.

PURPOSE

As proposed, S.B. 1632 creates an offense for the criminal solicitation of certain controlled substances, and provides a penalty.

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 15.03, Penal Code by amending Subsections (a) and (d) and adding Subsection (e), to provide that a person commits an offense, with intent to deliver certain controlled substances, if the person requests, commands, or attempts to induce another person to engage in certain felonious conduct. Provides that an offense under this section is a felony, except as provided by Subsection (e). Provides that the punishment for the solicitation of the delivery of a controlled substance is determined according to the penalty group of the controlled substance and the amount of the solicited substance, except for marihuana, in which case the punishment is determined according to the amount of marihuana solicited. Sets forth the penalty groups for the controlled substances and for marihuana. Provides that if an actor solicits delivery of the substance but does not solicit delivery of a specific amount, the offense is Class B misdemeanor.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.