

BILL ANALYSIS

Senate Research Center

H.B. 1629
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Criminal Justice
5/22/2003
Engrossed

DIGEST AND PURPOSE

The 77th Texas Legislature passed H.B. 3351, relating to the regulation of immediate precursors and certain other chemicals used in the illicit manufacture of a controlled substance; providing penalties. It was found through the prosecution of these cases that the language of H.B. 3351 is somewhat unclear. H.B. 1629 clarifies what substances are considered chemical precursors and what substances are not.

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 481.077(1), Health and Safety Code, to provide that this section does not apply to the sale or transfer of certain nonnarcotic products. Deletes text relating to this section not applying to certain chemical precursors.

SECTION 2. Amends Section 481.124, Health and Safety Code, by amending Subsection (a) and adding Subsection (f), as follows:

(a) Provides that a person commits an offense if, with intent to unlawfully manufacture a controlled substance, the person possesses or transports certain substances.

(f) Provides that this section does not apply to a chemical precursor exempted by the director under Section 481.077(b)(2) from the requirements of that section.

SECTION 3. Amends Sections 481.134(b)-(f), Health and Safety Code, as follows:

(b) Provides that an offense otherwise punishable as a state jail felony under Section 481.112, 481.113, 481.114, or 481.120 is punishable as a felony of the third degree, and an offense otherwise punishable as a felony of the second degree under any of those sections is punishable as a felony of the first degree, 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. Deletes text relating to an offense within 300 feet of a public or private youth center.

(c)-(f) Makes conforming changes.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2003.