

BILL ANALYSIS

Senate Research Center
77R7261 JD-D

H.B. 2010
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Criminal Justice
5/8/2001
Engrossed

DIGEST AND PURPOSE

Delivering a controlled substance or marihuana to a minor entails serious ramifications. Not only does such conduct constitute a breach of public trust, but it can lead to a cycle of addiction which continues into adulthood. Many adults who are now addicted to these substances began consumption when they were still minors. Under current law, delivery of a controlled substance or marihuana to a minor is a second degree felony, but the defendant may be granted deferred adjudication and placed on community supervision. Because of the danger in which a minor may be placed, many think that a defendant who commits such an offense should not be entitled to deferred adjudication. H.B. 2010 prohibits a judge from granting deferred adjudication to a defendant who delivers a controlled substance or marihuana to a minor.

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 5(d), Article 42.12, Code of Criminal Procedure, to authorize the judge in all other cases to grant deferred adjudication unless the defendant is charged with an offense under Section 481.122, Health and Safety Code.

SECTION 2. Effective date: September 1, 2001.
Makes application of this Act prospective.