

BILL ANALYSIS

Senate Research Center
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H.B. 1424
By: Lozano et al. (Zaffirini)
Criminal Justice
5/20/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1424 amends current law relating to the designation of certain synthetic compounds to Penalty Group 2 or 2-A of the Texas Controlled Substances Act and increases penalties for certain persons convicted of the manufacture and delivery of controlled substances.

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 Sections 481.002(5) and (6), Health and Safety Code, to redefine "controlled substance" and "controlled substance analogue."

SECTION 2. Amends Section 481.103(a), Health and Safety Code, as follows:

(a) Provides that Penalty Group 2 consists of:

(1) any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, if the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation as set forth;

(2) Makes no change to this subdivision;

(3) unless specifically excepted or unless listed in another Penalty Group, a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant or stimulant effect on the central nervous system as set forth; and

(4) any compound structurally derived from 2-aminopropanal by substitution at the 1-position with any monocyclic or fused-polycyclic ring system, including compounds as set forth.

SECTION 3. Amends Section 481.1031, Health and Safety Code, as follows:

Sec. 481.1031. PENALTY GROUP 2-A. Provides that Penalty Group 2-A consists of any quantity of a synthetic chemical compound that is a cannabinoid receptor agonist and mimics the pharmacological effect of naturally occurring cannabinoids, including certain chemical compounds as set forth.

SECTION 4. Amends Section 481.106, Health and Safety Code, as follows:

Sec. 481.106. CLASSIFICATION OF CONTROLLED SUBSTANCE ANALOGUE. Provides that, for the purposes of the prosecution of an offense under this subchapter involving the manufacture, delivery, or possession of a controlled substance, Penalty Groups 1, 1-A, 2, and 2-A include a controlled substance analogue:

(1) has a chemical structure substantially similar to the chemical structure of a controlled substance listed in the applicable penalty group; or

(2) is specifically designed to produce an effect substantially similar to, or greater than, a controlled substance listed in the applicable penalty group.

Makes a nonsubstantive change.

SECTION 5. Amends Section 481.119(a), Health and Safety Code, as follows:

(a) Provides that a person commits an offense if the person knowingly manufactures, delivers, or possesses with intent to deliver a controlled substance listed in a schedule by an action of the commissioner of public health under this chapter but not listed in a penalty group. Provides that an offense under this subsection is a Class A misdemeanor, except that the offense is:

(1) a state jail felony, if the person has been previously convicted of an offense under this subsection; or

(2) a felony of the third degree, if the person has been previously convicted two or more times of an offense under this subsection.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 2015.