

CHAPTER 579

S.B. No. 320

An Act relating to a defense to prosecution for the offense of delivering an abusable glue or aerosol paint to a person who is younger than 17 years of age; adding Subsection (j) to Section 4.13, Texas Controlled Substances Act, as amended (Article 4476-15, Vernon's Texas Civil Statutes).

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 4.13, Texas Controlled Substances Act, as amended (Article 4476-15, Vernon's Texas Civil Statutes), is amended by adding Subsection (j) to read as follows:

“(j) It is an affirmative defense to prosecution under Subsection (f) of this section that the person to whom the abusable glue or aerosol paint was delivered presented to the defendant an apparently valid Texas driver's license or an identification card, issued by the Department of Public Safety and containing a physical description consistent with the person's appearance, that purported to establish that the person was an individual 17 years of age or older.”

SECTION 2. (a) The change in law made by this Act applies only to a prosecution for an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 3. This Act takes effect September 1, 1985.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on March 5, 1985, by a viva-voce vote; passed the House on May 24, 1985, by a non-record vote.

Approved: June 14, 1985

Effective: September 1, 1985