

CHAPTER 715

H.B. No. 441

AN ACT

relating to the offense of possessing a controlled substance or dangerous drug within the confines of property belonging to the Texas Department of Corrections.

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

SECTION 1. Section 1, Chapter 21, Acts of the 55th Legislature, Regular Session, 1957 (Article 6184m, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. It shall be unlawful for any person to furnish, attempt to furnish, or assist in furnishing to any inmate of a city or county jail or of the Texas Department of Corrections any alcoholic beverage, controlled substance, or dangerous drug except from the prescription of a physician. It shall also be unlawful for any person to take, attempt to take, or assist in taking a controlled substance or dangerous drug [~~any of the aforementioned articles~~] into a city or county jail or into the confines of property belonging to the Texas Department of Corrections which is occupied or used by prisoners except for delivery to a jail or prison warehouse or pharmacy or to a physician.

SECTION 2. Chapter 21, Acts of the 55th Legislature, Regular Session, 1957 (Article 6184m, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

Sec. 1a. (a) A person commits an offense if the person possesses a controlled substance or dangerous drug while in the confines of property belonging to the Texas Department of Corrections.

(b) It is an affirmative defense to prosecution under this section that the person possessed the controlled substance or dangerous drug pursuant to a prescription issued by a practitioner or while delivering the substance or drug to a department warehouse, pharmacy, or physician.

SECTION 3. Section 2, Chapter 21, Acts of the 55th Legislature, Regular Session, 1957 (Article 6184m, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2. As used in this Act: [;]

(1) "Alcoholic [~~alcoholic~~ beverage" shall have the meaning defined in the Alcoholic Beverage Code. [~~as heretofore or hereafter amended;~~]

(2) "Controlled [~~controlled~~ substance" means any substance defined as a controlled substance by the Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes).

(3) "Dangerous [~~and dangerous~~ drug" means any substance defined as a dangerous drug by Chapter 425, Acts of the 56th Legislature, Regular Session, 1959 [~~as amended~~] (Article 4476-14, Vernon's Texas Civil Statutes).

(4) "Practitioner" has the meaning assigned that term by Section 1.02(35), Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes).

(5) "Prescription" has the meaning assigned that term by Section 1.02(37), Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes).

SECTION 4. This Act takes effect September 1, 1987.

SECTION 5. 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 by the House on March 17, 1987, by a non-record vote. Passed by the Senate on May 21, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 18, 1987.
Effective Sept. 1, 1987.