

By: Thimesch

H.B. No. 1581

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the manufacture or delivery of a controlled substance  
3 causing death or serious bodily injury; creating a criminal  
4 offense.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter D, Chapter 481, Health and Safety  
7 Code, is amended by adding Section 481.142 to read as follows:

8 Sec. 481.142. OFFENSE: MANUFACTURE OR DELIVERY OF  
9 CONTROLLED SUBSTANCE CAUSING DEATH OR SERIOUS BODILY INJURY. (a) A  
10 person commits an offense if the person knowingly manufactures or  
11 delivers a controlled substance in violation of this chapter and a  
12 person dies or suffers serious bodily injury as a result of  
13 injecting, ingesting, inhaling, or introducing into the person's  
14 body any amount of the controlled substance manufactured or  
15 delivered by the actor, regardless of whether the controlled  
16 substance was used by itself or with another substance, including a  
17 drug, adulterant, or dilutant.

18 (b) An offense under this section is:

19 (1) a felony of the second degree if the commission of  
20 the offense resulted in serious bodily injury to a person; or

21 (2) a felony of the first degree if the commission of  
22 the offense resulted in the death of a person.

23 (c) It is a defense to prosecution under this section that  
24 the actor's conduct in manufacturing or delivering the controlled

1 substance was authorized under this chapter or other state or  
2 federal law.

3 (d) If conduct constituting an offense under this section  
4 also constitutes an offense under another section of this chapter  
5 or the Penal Code, the actor may be prosecuted under either section  
6 or both sections.

7 (e) Notwithstanding Article 42.08, Code of Criminal  
8 Procedure, if a defendant is convicted of an offense under this  
9 section, the court may not order the sentence for the offense to run  
10 concurrently with any other sentence the court imposes on the  
11 defendant.

12 SECTION 2. The changes in law made by this Act apply only to  
13 an offense committed on or after the effective date of this Act. An  
14 offense committed before the effective date of this Act is governed  
15 by the law in effect on the date the offense was committed, and the  
16 former law is continued in effect for that purpose. For purposes of  
17 this section, an offense was committed before the effective date of  
18 this Act if any element of the offense occurred before that date.

19 SECTION 3. This Act takes effect September 1, 2023.