

By: Cook

H.B. No. 3644

A BILL TO BE ENTITLED

AN ACT

relating to the offense of murder committed by the manufacture or delivery of certain controlled substances.

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

SECTION 1. Section 19.02, Penal Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) A person commits an offense if the person ~~[he]~~:

(1) intentionally or knowingly causes the death of an individual;

(2) intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual; ~~[or]~~

(3) commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, the person ~~[he]~~ commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual; or

(4) knowingly manufactures or delivers a controlled substance listed in Penalty Group 1-B under Section 481.1022, Health and Safety Code, in violation of Section 481.1123, Health and Safety Code, and an individual dies as a result of injecting, ingesting, inhaling, or introducing into the individual's body any

1 amount of the controlled substance manufactured or delivered by the  
2 actor, regardless of whether the controlled substance was used by  
3 itself or with another substance, including a drug, adulterant, or  
4 dilutant.

5 (e) It is a defense to prosecution under Subsection (b)(4)  
6 that the actor's conduct in manufacturing or delivering the  
7 controlled substance was authorized under Chapter 481, Health and  
8 Safety Code, or other state or federal law.

9 SECTION 2. Section 481.141, Health and Safety Code, is  
10 amended by adding Subsection (d) to read as follows:

11 (d) Punishment may not be increased under this section if  
12 the defendant is also prosecuted under Section 19.02(b)(4), Penal  
13 Code, for conduct occurring during the same criminal episode.

14 SECTION 3. The change in law made by this Act applies only  
15 to an offense committed on or after the effective date of this Act.  
16 An offense committed before the effective date of this Act is  
17 governed by the law in effect on the date the offense was committed,  
18 and the former law is continued in effect for that purpose. For  
19 purposes of this section, an offense was committed before the  
20 effective date of this Act if any element of the offense was  
21 committed before that date.

22 SECTION 4. This Act takes effect September 1, 2023.