

By: Kolkhorst

S.B. No. 1622

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the manufacture or delivery of a controlled substance
3 listed in Penalty Group 1-B causing death; creating a criminal
4 offense.

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

6 SECTION 1. Section 481.141, Health and Safety Code, is
7 amended by adding Subsection (d) to read as follows:

8 (d) Punishment may not be increased under this section if
9 the defendant is also prosecuted under Section 481.142 for conduct
10 occurring during the same criminal episode.

11 SECTION 2. Subchapter D, Chapter 481, Health and Safety
12 Code, is amended by adding Section 481.142 to read as follows:

13 Sec. 481.142. OFFENSE: MANUFACTURE OR DELIVERY OF
14 CONTROLLED SUBSTANCE IN PENALTY GROUP 1-B CAUSING DEATH. (a) A
15 person commits an offense if the person knowingly manufactures or
16 delivers a controlled substance listed in Penalty Group 1-B in
17 violation of Section 481.1123 and a person dies as a result of
18 injecting, ingesting, inhaling, or introducing into the person's
19 body any amount of the controlled substance manufactured or
20 delivered by the actor, regardless of whether the controlled
21 substance was used by itself or with another substance, including a
22 drug, adulterant, or dilutant.

23 (b) An offense under this section is a felony of the first
24 degree.

1 (c) It is a defense to prosecution under this section that
2 the actor's conduct in manufacturing or delivering the controlled
3 substance was authorized under this chapter or other state or
4 federal law.

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

9 SECTION 3. The changes in law made by this Act apply only to
10 an offense committed on or after the effective date of this Act. An
11 offense committed before the effective date of this Act is governed
12 by the law in effect on the date the offense was committed, and the
13 former law is continued in effect for that purpose. For purposes of
14 this section, an offense was committed before the effective date of
15 this Act if any element of the offense occurred before that date.

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