

BILL ANALYSIS

Senate Research Center
78R1581 PEP-D

S.B. 177
By: Shapiro
Criminal Justice
4/14/2003
As Filed

DIGEST AND PURPOSE

Currently, a dealer or manufacturer of illegal drugs can only be charged with the delivery of a controlled substance, even when the sale of the drug directly leads to the death or injury of another person.

As proposed, S.B. 177 provides that a person commits an offense if the person knowingly delivers certain controlled substances to another person who dies as a result of that delivery.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 19, Penal Code, by adding Section 19.06, as follows:

Sec. 19.06 DELIVERY OF CONTROLLED SUBSTANCE CAUSING DEATH. (a) Provides that an offense is committed if a person knowingly delivers a substance listed under Chapter 481 (Texas Controlled Substances Act), Health and Safety Code, to another person who dies as a result, even if the person delivered the substance indirectly through another person or the person who died used the substance with another substance.

(b) Provides that such an offense is a third degree felony.

(c) Provides that this section does not apply if the person who delivered the substance was a licensed health care professional acting under the scope of their duties or was acting under the direction of such a professional.

(d) Provides that if an offense under this section is also an offense under Sections 19.02-19.04 of this chapter, it may be prosecuted under either section.

SECTION 2. Amends Article 42.08(b), Code of Criminal Procedure, to require the court to order a sentence imposed in a second or subsequent conviction to begin immediately after the end of the sentence imposed in a prior conviction when:

(1) the second or subsequent offense was committed during the defendant's incarceration with the Texas Department of Criminal Justice; or

(2) the defendant is convicted of an offense under Section 19.06, Penal Code, and another offense under Chapter 481, Health and Safety Code.

Makes conforming changes.

SECTION 3. Effective date: September 1, 2003.

Makes application of this act prospective.