

AN ACT

relating to the illegal use of money or property derived from or intended to further certain controlled substance offenses and to the enhancement of certain controlled substance offenses; providing penalties.

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

SECTION 1. Section 481.126, Health and Safety Code, is amended to read as follows:

Sec. 481.126. OFFENSE: ILLEGAL BARTER, EXPENDITURE, OR INVESTMENT. (a) A person commits an offense if the person:

(1) barters property or expends funds the person knows are derived from the commission of an offense under this chapter punishable by imprisonment in the institutional division of the Texas Department of Criminal Justice for life; [~~or~~]

(2) barters property or expends funds the person knows are derived from the commission of an offense under Section 481.121(a) that is punishable under Section 481.121(b)(5);

(3) barters property or finances or invests funds the person knows or believes are intended to further the commission of an offense for which the punishment is described by Subdivision (1); or

(4) barters property or finances or invests funds the person knows or believes are intended to further the commission of an offense under Section 481.121(a) that is punishable under

1 Section 481.121(b)(5).

2 (b) An offense under Subsection (a)(1) or (3) [~~this section~~]  
3 is a felony of the first degree. An offense under Subsection (a)(2)  
4 or (4) is a felony of the second degree.

5 SECTION 2. Subchapter D, Chapter 481, Health and Safety  
6 Code, is amended by adding Section 481.141 to read as follows:

7 Sec. 481.141. MANUFACTURE OR DELIVERY OF CONTROLLED  
8 SUBSTANCE CAUSING DEATH OR SERIOUS BODILY INJURY. (a) If at the  
9 guilt or innocence phase of the trial of an offense described by  
10 Subsection (b), the judge or jury, whichever is the trier of fact,  
11 determines beyond a reasonable doubt that a person died or suffered  
12 serious bodily injury as a result of injecting, ingesting,  
13 inhaling, or introducing into the person's body any amount of the  
14 controlled substance manufactured or delivered by the defendant,  
15 regardless of whether the controlled substance was used by itself  
16 or with another substance, including a drug, adulterant, or  
17 dilutant, the punishment for the offense is increased by one  
18 degree.

19 (b) This section applies to an offense otherwise punishable  
20 as a state jail felony, felony of the third degree, or felony of the  
21 second degree under Section 481.112, 481.1121, 481.113, 481.114, or  
22 481.122.

23 (c) Notwithstanding Article 42.08, Code of Criminal  
24 Procedure, if punishment for a defendant is increased under this  
25 section, the court may not order the sentence for the offense to run  
26 concurrently with any other sentence the court imposes on the  
27 defendant.

1           SECTION 3. The change in law made by this Act applies only to  
2 an offense committed on or after the effective date of this Act. An  
3 offense committed before the effective date of this Act is covered  
4 by the law in effect when the offense was committed, and the former  
5 law is continued in effect for that purpose. For purposes of this  
6 section, an offense was committed before the effective date of this  
7 Act if any element of the offense occurred before that date.

8           SECTION 4. This Act takes effect September 1, 2003.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2892 was passed by the House on April 25, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2892 on May 29, 2003, by a non-record vote.

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Chief Clerk of the House

I certify that H.B. No. 2892 was passed by the Senate, with amendments, on May 27, 2003, by a viva-voce vote.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor