

By: Shapiro, Nelson

S.B. No. 177

A BILL TO BE ENTITLED

1 AN ACT

2 relating to enhancement of the penalty for an offender who  
3 manufactures or delivers a controlled substance causing death or  
4 serious bodily injury.

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 481.141 to read as follows:

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

20 (b) This section applies to an offense otherwise punishable  
21 as a state jail felony, felony of the third degree, or felony of the  
22 second degree under Section 481.112, 481.1121, 481.113, 481.114, or  
23 481.122.

24 (c) Notwithstanding Article 42.08, Code of Criminal

1 Procedure, if punishment for a defendant is increased under this  
2 section, the court may not order the sentence for the offense to run  
3 concurrently with any other sentence the court imposes on the  
4 defendant.

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

12         SECTION 3.    This Act takes effect September 1, 2003.