

By: Shapiro

S.B. No. 177

A BILL TO BE ENTITLED

AN ACT

relating to the criminal consequences for delivery of a controlled substance causing death.

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

SECTION 1. Chapter 19, Penal Code, is amended by adding Section 19.06 to read as follows:

Sec. 19.06. DELIVERY OF CONTROLLED SUBSTANCE CAUSING DEATH.

(a) A person commits an offense if the person knowingly delivers a controlled substance listed in a penalty group under Chapter 481, Health and Safety Code, to another person who dies as a result of injecting, ingesting, inhaling, or introducing into the person's body any amount of the controlled substance, regardless of whether:

(1) the person delivered the controlled substance directly to the person who died or delivered the controlled substance indirectly through another person; or

(2) the person who died used the controlled substance by itself or with another substance, including a drug, adulterant, or dilutant.

(b) An offense under this section is a felony of the third degree.

(c) It is an exception to the application of this section that the person who delivered the controlled substance was, at the time of the delivery:

(1) acting within the scope of the person's license as

1 a health care professional; or

2 (2) acting under the direction of a licensed health
3 care professional.

4 (d) If conduct that constitutes an offense under this
5 section also constitutes an offense under Section 19.02, 19.03, or
6 19.04 in this chapter, the conduct may be prosecuted under this
7 section or the other section.

8 SECTION 2. Article 42.08(b), Code of Criminal Procedure, is
9 amended to read as follows:

10 (b) The court [~~If a defendant is sentenced for an offense~~
11 ~~committed while the defendant was an inmate in the institutional~~
12 ~~division of the Texas Department of Criminal Justice and the~~
13 ~~defendant has not completed the sentence he was serving at the time~~
14 ~~of the offense, the judge] shall order the sentence imposed in a
15 second or [for the] subsequent conviction [offense] to commence
16 immediately on completion of the sentence imposed in a preceding
17 conviction when:~~

18 (1) the defendant committed the offense that is the
19 subject of the second or subsequent conviction while the defendant
20 was an inmate in the institutional division of the Texas Department
21 of Criminal Justice completing the terms of the sentence imposed in
22 a preceding conviction; or

23 (2) the defendant is convicted of an offense under
24 Section 19.06, Penal Code, and another offense under Chapter 481,
25 Health and Safety Code [for the original offense].

26 SECTION 3. (a) This Act takes effect September 1, 2003.

27 (b) The change in law made by this Act applies only to an

1 offense committed on or after September 1, 2003. An offense
2 committed before September 1, 2003, is covered by the law in effect
3 when the offense was committed, and the former law is continued in
4 effect for that purpose. For purposes of this subsection, an
5 offense was committed before September 1, 2003, if any element of
6 the offense was committed before that date.