

1-1 By: Shapiro, Nelson S.B. No. 177
1-2 (In the Senate - Filed January 9, 2003; January 30, 2003,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 22, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 4, Nays 0; April 22, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 177 By: Williams

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to enhancement of the penalty for an offender who
1-11 manufactures or delivers a controlled substance causing death or
1-12 serious bodily injury.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter D, Chapter 481, Health and Safety
1-15 Code, is amended by adding Section 481.141 to read as follows:

1-16 Sec. 481.141. MANUFACTURE OR DELIVERY OF CONTROLLED
1-17 SUBSTANCE CAUSING DEATH OR SERIOUS BODILY INJURY. (a) If at the
1-18 guilt or innocence phase of the trial of an offense described by
1-19 Subsection (b), the judge or jury, whichever is the trier of fact,
1-20 determines beyond a reasonable doubt that a person died or suffered
1-21 serious bodily injury as a result of injecting, ingesting,
1-22 inhaling, or introducing into the person's body any amount of the
1-23 controlled substance manufactured or delivered by the defendant,
1-24 regardless of whether the controlled substance was used by itself
1-25 or with another substance, including a drug, adulterant, or
1-26 dilutant, the punishment for the offense is increased by one
1-27 degree.

1-28 (b) This section applies to an offense otherwise punishable
1-29 as a state jail felony, felony of the third degree, or felony of the
1-30 second degree under Section 481.112, 481.1121, 481.113, 481.114, or
1-31 481.122.

1-32 (c) Notwithstanding Article 42.08, Code of Criminal
1-33 Procedure, if punishment for a defendant is increased under this
1-34 section, the court may not order the sentence for the offense to run
1-35 concurrently with any other sentence the court imposes on the
1-36 defendant.

1-37 SECTION 2. The change in law made by this Act applies only
1-38 to an offense committed on or after the effective date of this Act.
1-39 An offense committed before the effective date of this Act is
1-40 covered by the law in effect when the offense was committed, and the
1-41 former law is continued in effect for that purpose. For purposes of
1-42 this section, an offense was committed before the effective date of
1-43 this Act if any element of the offense occurred before that date.

1-44 SECTION 3. This Act takes effect September 1, 2003.

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