

By: Estes

S.B. No. 109

A BILL TO BE ENTITLED

AN ACT

1
2 relating to enhancing the penalty for the manufacture of
3 methamphetamine if a child is present on the premises where the
4 offense is committed.

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 481.1122 to read as follows:

8 Sec. 481.1122. MANUFACTURE OF METHAMPHETAMINE: PRESENCE OF
9 CHILD. If it is shown at the punishment phase of a trial for the
10 manufacture of methamphetamine that when the offense was committed
11 a child younger than 18 years of age was present on the premises
12 where the offense was committed:

13 (1) the punishments specified by Sections 481.112(b)
14 and (c) are increased by one degree;

15 (2) the minimum term of imprisonment specified by
16 Section 481.112(e) is increased to 15 years and the maximum fine
17 specified by that section is increased to \$150,000; and

18 (3) the minimum term of imprisonment specified by
19 Section 481.112(f) is increased to 20 years and the maximum fine
20 specified by that section is increased to \$300,000.

21 SECTION 2. (a) The changes in law made by this Act apply
22 only to an offense committed on or after September 1, 2005.

23 (b) An offense committed before September 1, 2005, is
24 covered by the law in effect when the offense was committed, and the

1 former law is continued in effect for that purpose. For purposes of
2 this section, an offense was committed before September 1, 2005, if
3 any element of the offense was committed before that date.

4 SECTION 3. This Act takes effect September 1, 2005.