

BILL ANALYSIS

S.B. 183
By: Estes
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Penalty Group 1 substances are manufactured in numerous locations where children are present, exposing them to dangerous and toxic elements. This presents issues pertaining to child endangerment, abuse, and neglect.

As proposed, S.B. 183 increases the punishment for an individual manufacturing a Penalty Group 1 substance in the presence of a child under the age of 18 by one degree. Additionally, a minimum punishment of 10 years in prison is increased to 15 years and the associated fine of \$100,000 will increase to \$150,000. A minimum punishment of 15 years will increase to 20 years and the \$250,000 fine will increase to \$300,000.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Senate Bill 183 amends Subchapter D, Chapter 481, Health and Safety Code, by adding Section 481.1122, which provides that if it is shown at the punishment phase of a trial for the manufacture of a controlled substance listed in Penalty Group 1 that when the offense was committed a child under age 18 was present on the premises where the offense was committed the punishment is increased as follows:

- the punishments specified in Sections 481.112(b) and (c), Health and Safety Code, (Offense: Manufacture or Delivery of Substance in Penalty Group 1) are increased by one degree;
- the minimum prison term specified in Section 481.112(e), Health and Safety Code, is increased to 15 years and the maximum fine is increased to \$150,000; and
- the minimum prison term specified in Section 481.112(f), Health and Safety Code, is increased to 20 years and the maximum fine is increased to \$300,000.

Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2007.