

By: Estes

S.B. No. 183

A BILL TO BE ENTITLED

AN ACT

1
2 relating to enhancing the penalty for the manufacture of certain
3 controlled substances if a child is present on the premises where
4 the 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 SUBSTANCE IN PENALTY GROUP 1:
9 PRESENCE OF CHILD. If it is shown at the punishment phase of a trial
10 for the manufacture of a controlled substance listed in Penalty
11 Group 1 that when the offense was committed a child younger than 18
12 years of age was present on the premises where the offense was
13 committed:

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

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

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

22 SECTION 2. The changes in law made by this Act apply only to
23 an offense committed on or after the effective date of this Act. An
24 offense committed before the effective date of this Act is covered

1 by the law in effect when the offense was committed, and the former
2 law is continued in effect for that purpose. For purposes of this
3 section, an offense was committed before the effective date of this
4 Act if any element of the offense was committed before that date.

5 SECTION 3. This Act takes effect September 1, 2007.