

By: Johnson

H.B. No. 1743

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prosecution of certain offenses involving
3 controlled substances and other prohibited drugs, substances, or
4 paraphernalia.

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

6 SECTION 1. Section 481.115, Health and Safety Code, is
7 amended by adding Subsection (g) to read as follows:

8 (g) It is a defense to prosecution under Subsection (a) that
9 the actor:

10 (1) requested emergency medical assistance in
11 response to the possible controlled substance overdose of another
12 person;

13 (2) was the first person to make a request for medical
14 assistance under Subdivision (1);

15 (3) remained on the scene until the medical assistance
16 arrived; and

17 (4) cooperated with medical assistance and law
18 enforcement personnel.

19 SECTION 2. Section 481.1151, Health and Safety Code, is
20 amended by adding Subsection (c) to read as follows:

21 (c) It is a defense to prosecution under Subsection (a) that
22 the actor:

23 (1) requested emergency medical assistance in
24 response to the possible controlled substance overdose of another

1 person;

2 (2) was the first person to make a request for medical
3 assistance under Subdivision (1);

4 (3) remained on the scene until the medical assistance
5 arrived; and

6 (4) cooperated with medical assistance and law
7 enforcement personnel.

8 SECTION 3. Section 481.116, Health and Safety Code, is
9 amended by adding Subsection (f) to read as follows:

10 (f) It is a defense to prosecution under Subsection (a) that
11 the actor:

12 (1) requested emergency medical assistance in
13 response to the possible controlled substance overdose of another
14 person;

15 (2) was the first person to make a request for medical
16 assistance under Subdivision (1);

17 (3) remained on the scene until the medical assistance
18 arrived; and

19 (4) cooperated with medical assistance and law
20 enforcement personnel.

21 SECTION 4. Section 481.1161, Health and Safety Code, is
22 amended by adding Subsection (c) to read as follows:

23 (c) It is a defense to prosecution under Subsection (a) that
24 the actor:

25 (1) requested emergency medical assistance in
26 response to the possible controlled substance overdose of another
27 person;

1 (2) was the first person to make a request for medical
2 assistance under Subdivision (1);

3 (3) remained on the scene until the medical assistance
4 arrived; and

5 (4) cooperated with medical assistance and law
6 enforcement personnel.

7 SECTION 5. Section 481.117, Health and Safety Code, is
8 amended by adding Subsection (f) to read as follows:

9 (f) It is a defense to prosecution under Subsection (a) that
10 the actor:

11 (1) requested emergency medical assistance in
12 response to the possible controlled substance overdose of another
13 person;

14 (2) was the first person to make a request for medical
15 assistance under Subdivision (1);

16 (3) remained on the scene until the medical assistance
17 arrived; and

18 (4) cooperated with medical assistance and law
19 enforcement personnel.

20 SECTION 6. Section 481.118, Health and Safety Code, is
21 amended by adding Subsection (f) to read as follows:

22 (f) It is a defense to prosecution under Subsection (a) that
23 the actor:

24 (1) requested emergency medical assistance in
25 response to the possible controlled substance overdose of another
26 person;

27 (2) was the first person to make a request for medical

1 assistance under Subdivision (1);

2 (3) remained on the scene until the medical assistance
3 arrived; and

4 (4) cooperated with medical assistance and law
5 enforcement personnel.

6 SECTION 7. Section 481.119, Health and Safety Code, is
7 amended by adding Subsection (c) to read as follows:

8 (c) It is a defense to prosecution under Subsection (b) that
9 the actor:

10 (1) requested emergency medical assistance in
11 response to the possible controlled substance overdose of another
12 person;

13 (2) was the first person to make a request for medical
14 assistance under Subdivision (1);

15 (3) remained on the scene until the medical assistance
16 arrived; and

17 (4) cooperated with medical assistance and law
18 enforcement personnel.

19 SECTION 8. Section 481.121, Health and Safety Code, is
20 amended by adding Subsection (c) to read as follows:

21 (c) It is a defense to prosecution under Subsection (a) that
22 the actor:

23 (1) requested emergency medical assistance in
24 response to the possible controlled substance overdose of another
25 person;

26 (2) was the first person to make a request for medical
27 assistance under Subdivision (1);

1 (3) remained on the scene until the medical assistance
2 arrived; and

3 (4) cooperated with medical assistance and law
4 enforcement personnel.

5 SECTION 9. Section 481.125, Health and Safety Code, is
6 amended by adding Subsection (g) to read as follows:

7 (g) It is a defense to prosecution under Subsection (a) that
8 the actor:

9 (1) requested emergency medical assistance in
10 response to the possible controlled substance overdose of another
11 person;

12 (2) was the first person to make a request for medical
13 assistance under Subdivision (1);

14 (3) remained on the scene until the medical assistance
15 arrived; and

16 (4) cooperated with medical assistance and law
17 enforcement personnel.

18 SECTION 10. Section 483.041, Health and Safety Code, is
19 amended by adding Subsection (e) to read as follows:

20 (e) It is a defense to prosecution under Subsection (a) that
21 the actor:

22 (1) requested emergency medical assistance in
23 response to the possible dangerous drug overdose of another person;

24 (2) was the first person to make a request for medical
25 assistance under Subdivision (1);

26 (3) remained on the scene until the medical assistance
27 arrived; and

1 (4) cooperated with medical assistance and law
2 enforcement personnel.

3 SECTION 11. Section 485.031, Health and Safety Code, is
4 amended by adding Subsection (c) to read as follows:

5 (c) It is an exception to the application of Subsection (a)
6 that the actor:

7 (1) requested emergency medical assistance in
8 response to the possible abusable volatile chemical overdose of
9 another person;

10 (2) was the first person to make a request for medical
11 assistance under Subdivision (1);

12 (3) remained on the scene until the medical assistance
13 arrived; and

14 (4) cooperated with medical assistance and law
15 enforcement personnel.

16 SECTION 12. The change in law made by this Act applies only
17 to an offense committed on or after the effective date of this Act.
18 An offense committed before the effective date of this Act is
19 governed by the law in effect on the date the offense was committed,
20 and the former law is continued in effect for that purpose. For
21 purposes of this section, an offense was committed before the
22 effective date of this Act if any element of the offense occurred
23 before that date.

24 SECTION 13. This Act takes effect September 1, 2013.