

By: Spitzer

H.B. No. 1358

A BILL TO BE ENTITLED

AN ACT

relating to a presumption that applies to certain conduct involving certain controlled substances that endangers a child.

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

SECTION 1. Section 22.041(c-1), Penal Code, is amended to read as follows:

(c-1) For purposes of Subsection (c), it is presumed that a person engaged in conduct that places a child in imminent danger of death, bodily injury, or physical or mental impairment if:

(1) in the presence of the child, the person manufactured, possessed, or in any way introduced into the body of any person a ~~the~~ controlled substance listed in Penalty Group 1, Section 481.102, Health and Safety Code ~~[methamphetamine in the presence of the child]~~; or

(2) the person's conduct related to the proximity or accessibility to the child of a ~~the~~ controlled substance listed in Penalty Group 1, Section 481.102, Health and Safety Code, ~~[methamphetamine to the child]~~ and an analysis of a specimen of the child's blood, urine, or other bodily substance indicates the presence of the substance ~~[methamphetamine]~~ in the child's body ~~+~~  
~~or~~

~~[(3) the person injected, ingested, inhaled, or otherwise introduced a controlled substance listed in Penalty Group 1, Section 481.102, Health and Safety Code, into the human body when~~

1 ~~the person was not in lawful possession of the substance as defined~~  
2 ~~by Section 481.002(24) of that code].~~

3           SECTION 2. The change in law made by this Act applies only  
4 to an offense committed on or after the effective date of this Act.  
5 An offense committed before the effective date of this Act is  
6 governed by the law in effect on the date the offense was committed,  
7 and the former law is continued in effect for that purpose. For  
8 purposes of this section, an offense was committed before the  
9 effective date of this Act if any element of the offense occurred  
10 before that date.

11           SECTION 3. This Act takes effect September 1, 2015.