86R7406 JSC-F

By:  Bell of Kaufman H.B. No. 1261

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

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

SECTION 3.  This Act takes effect September 1, 2019.