

BILL ANALYSIS

H.B. 178
By: Murr
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Fentanyl is a danger for law enforcement and an increasing public health threat. It has been used by drug trafficking organizations to increase the potency of other controlled substances, which risks the lives of law enforcement and members of the public who may come into contact with these substances. Current law does not require testing for fentanyl by laboratories that test possible controlled substance evidence. H.B. 178 seeks to protect law enforcement and the public and allow for the identification of fentanyl by requiring laboratories that test controlled substances to also test for fentanyl.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 178 amends the Code of Criminal Procedure to require evidence that may be a controlled substance and is submitted as evidence to a laboratory for testing to be tested following validated laboratory procedures and sampling protocols to determine whether the substance is or contains fentanyl if it is reasonably possible that the submitted substance is or contains fentanyl. This requirement applies only to evidence submitted for testing on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.