By:  Guillen H.B. No. 4642

A BILL TO BE ENTITLED

AN ACT

relating to the State's ability to combat lethal poisonings, creating a criminal offense.

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

SECTION 1.  Sec. 772, GOVERNMENT CODE, Is amended by adding 772.0065 to read as follows: (a) In this section:

(1)  "Task force" means the Lethal Poisoning Prevention Task Force.

(2)  "Lethal Poison" means any substance consisting wholly or partly of a substance listed in Section 481.1022 of the Health and Safety Code.

(b)  The governor shall establish the Lethal Poisoning Prevention Task Force that will consist of two members from:

(1)  the Department of Public Safety;

(2)  the Health and Human Services Commission; and

(3)  the Texas Commission on Law Enforcement.

(c)  The task force shall:

(1)  compile data on criminal activity in the Texas - Mexico border region relating to the manufacturing, trafficking, and delivery of lethal poison; and

(2)  develop best practices for:

(A)  the investigation, interdiction, and prosecution of criminal activity relating to the manufacturing and delivery of lethal poison; and

(B)  safely handling lethal poison upon its interdiction.

(d)  The task force shall submit the final report no later than 6 months after the date of its formation.

(e)  The task force shall submit the final report to:

(1)  the office of the Governor; and

(2)  the Texas Department of Public Safety.

SECTION 2.  Sec. 411, GOVERNMENT CODE, Is amended by adding Section 411.02071 to read as follows:

Sec. 411.02072.  LETHAL POISONING PREVENTION TRAINING PROGRAM. (a) The department, in coordination with local law enforcement agencies, shall establish and administer a lethal poisoning prevention training program for peace officers employed by local law enforcement agencies that will prepare officers to:

(1)  collaborate and cooperate with and assist any law enforcement agency in the interdiction, investigation, and prosecution of criminal activity relating to the manufacturing and delivery of lethal poisons consisting wholly or partly of a substance listed in section 481.1022, Health and Safety code; and

(2)  collaborate and cooperate with and assist district attorneys, county attorneys, the border prosecution unit, and other prosecutors in the investigation and prosecution of allegations of criminal activity relating to the manufacturing and delivery of lethal poisons consisting wholly or partly of a substance listed in section 481.022, Health and Safety code.

(b)  The training program under Subsection (a) must include:

(1) information on:

(A)  criminal activity regarding lethal poisons consisting wholly or partly of a substance listed in section 481.022 that occurs along the Texas - Mexico border, including the trafficking of said lethal poisons carried out by transnational gangs, cartels, and other organized criminal activity; and

(B)  methods for identifying all intrastate criminal activity associated with the distribution, manufacturing, trafficking as it relates to organized criminal activity; and

(2)  best practices for:

(A)  investigating and prosecuting the criminal activity described by Subdivision (1); and

(B)  the safest methods for handling lethal poisons consisting wholly or partly of a substance defined in section 481.1022, Health and Safety code, as determined by the Health and Human Services Commission.

(c)  The department shall identify opportunities for a peace officer described by Subsection (a) to assist in the department's duties relating to the interdiction of lethal poison consisting either wholly or partly of a substance listed in section 481.1022, Health and Safety Code.

(d)  A peace officer authorized by the department to assist in carrying out duties related to the department's border operations as described by Subsection (c) is not entitled to compensation from the department for the assistance provided.

SECTION 3.  Subchapter H, Chapter 1701, GOVERNMENT CODE, is amended by adding Sec. 1701.359A to read as follows:

Sec. 1701.359A.  LETHAL POISONING PREVENTION TRAINING PROGRAM. (a) The commission may:

(1)  recognize, or with the consent of the Department of Public Safety, administer or assist in administering the lethal poisoning prevention program established under Section 411.02071, Government Code, as a continuing education program for officers; and

(2)  credit an officer who successfully completes the program described by Subdivision (1) with the appropriate number of continuing education hours.

SECTION 4.  Sec. 19, Penal Code, is amended by adding section 19.07, LETHAL POISONING to read as follows:

(a)  An individual commits an offense under this section if:

(1)  they manufacture, deliver, or traffic a lethal poison consisting wholly or partly of a substance listed under Section 481.1022 of the Health and Safety Code and an individual dies as a result of injecting, ingesting, or introducing into the individuals body any amount of the substance listed in 481.1022 that was manufactured, delivered, or trafficked by the actor whether the lethal poison was used by itself or with any other substance.

(b)  This penalty does not apply if the actor's conduct in manufacturing or delivering the controlled substance was authorized under chapter 481 of the Health and Safety Code.

SECTION 5.  This act takes effect September 1, 2023.