

By: Bumgarner

H.B. No. 3578

A BILL TO BE ENTITLED

AN ACT

relating to increasing the criminal penalties for delivery of a controlled substance in Penalty Group 1-B to a child.

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

SECTION 1. Section 481.122(c), Health and Safety Code, is amended to read as follows:

(c) An offense under this section is a felony of the second degree, except that an offense under this section is:

(1) a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 20 years, and a fine not to exceed \$500,000, if the actor delivers a controlled substance listed in Penalty Group 1-B to a person described by Subsection (a)(1); or

(2) a capital felony if the actor delivers a controlled substance listed in Penalty Group 1-B to a person described by Subsection (a)(1) and a child dies as a result of injecting, ingesting, inhaling, or introducing into the child's body any amount of the controlled substance delivered by the actor, regardless of whether the controlled substance was used by itself or with another substance, including a drug, adulterant, or dilutant.

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.

1 An offense committed before the effective date of this Act is  
2 governed by the law in effect on the date the offense was committed,  
3 and the former law is continued in effect for that purpose. For  
4 purposes of this section, an offense was committed before the  
5 effective date of this Act if any element of the offense was  
6 committed before that date.

7 SECTION 3. This Act takes effect September 1, 2023.