

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

1                    (B) safely handling lethal poison upon its  
2 interdiction.

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

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

6                    (1) the office of the Governor; and

7                    (2) the Texas Department of Public Safety.

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

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

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

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

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

27                    (1) information on:

1           (A) criminal activity regarding lethal poisons  
2 consisting wholly or partly of a substance listed in section  
3 481.022 that occurs along the Texas - Mexico border, including the  
4 trafficking of said lethal poisons carried out by transnational  
5 gangs, cartels, and other organized criminal activity; and

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

9           (2) best practices for:

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

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

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

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

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

27           Sec. 1701.359A. LETHAL POISONING PREVENTION TRAINING

1 PROGRAM. (a) The commission may:

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

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

10 SECTION 4. Sec. 19, Penal Code, is amended by adding section  
11 19.07, LETHAL POISONING to read as follows:

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

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

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

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