

By: Hinojosa

S.B. No. 233

A BILL TO BE ENTITLED

AN ACT

relating to the offense of manslaughter; increasing the criminal penalty for certain offenders.

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

SECTION 1. Section 19.04, Penal Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

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

(1) the actor delivered a controlled substance, simulated controlled substance, or dangerous drug to the individual in violation of Chapter 481, 482, or 483, Health and Safety Code;

(2) the controlled substance, simulated controlled substance, or dangerous drug as delivered consisted wholly or partly of a substance listed in Section 481.102(1), (2), (3), or (4) or Section 481.1022, Health and Safety Code;

(3) the individual consumed the controlled substance, simulated controlled substance, or dangerous drug without altering the substance or drug; and

(4) the individual's death resulted from the consumption of the controlled substance, simulated controlled substance, or dangerous drug.

(c) The enhancement of the penalty under Subsection (b) for a death caused by the consumption of a controlled substance or

1 dangerous drug does not apply to an actor who prescribed,
2 dispensed, or administered a controlled substance or dangerous drug
3 during the ordinary course of medical treatment of a patient for
4 legitimate medical purposes.

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

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