

BILL ANALYSIS

H.B. 166
By: Capriglione
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

As the opioid crisis continues to escalate, fentanyl has emerged as a particularly lethal and prevalent substance, creating significant risks to children exposed to environments where it is present. According to the Department of State Health Services, over 2,000 Texans died from fentanyl poisoning in 2023. The bill's author has informed the committee that there are instances of child endangerment offenses that cannot be prosecuted to the fullest extent because fentanyl is not referenced in the statute governing the offense. H.B. 166 seeks to ensure the safety and welfare of vulnerable Texans and accurately reflect the dangers posed by fentanyl by including fentanyl as a controlled substance for purposes of the offense of endangering a child, elderly individual, or disabled individual.

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. 166 amends the Penal Code to establish that, for purposes of the offense of endangering a child, elderly individual, or disabled individual, it is presumed that a person placed the child or individual in imminent danger of death, bodily injury, or physical or mental impairment if either of the following occur:

- the person manufactured, possessed, or in any way introduced into the body of any person a controlled substance in Penalty Group 1-B under the Texas Controlled Substances Act in the presence of the child or individual; or
- the person's conduct related to the proximity or accessibility of such a controlled substance to the child or individual and an analysis of a specimen of the child's or individual's bodily substance indicates the presence of such a controlled substance in the body of the child or the individual.

The bill applies only to an offense committed on or after the bill's effective date. An offense committed before the bill's effective date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

EFFECTIVE DATE

September 1, 2025.