

BILL ANALYSIS

H.B. 2695
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that social media has allowed drug dealers to connect and sell illicit substances to Texans faster and more efficiently than ever before. According to the University of North Texas Health Science Center at Fort Worth, fatal overdoses involving fentanyl among children and teens ages 10 to 19 increased by 182 percent from 2019 to 2021. The bill author has further informed the committee of a cartel ring selling fentanyl-laced pills to minors using social media platforms in Carrollton, Texas, which resulted in the deaths of multiple Texas students. As reported in a DEA press release about the case, one of the defendants admitted to selling more than 40,000 pills per month and would often advertise and communicate on Instagram to a network of young buyers and sellers. H.B. 2695 seeks to address the issue of illicit drug sales through social media platforms by providing for increased penalties for defendants found to have used social media in furtherance of certain offenses involving the delivery of a controlled substance.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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. 2695 amends the Health and Safety Code to increase the punishment for the following Texas Controlled Substances Act offenses involving the delivery of a controlled substance to the punishment prescribed by the next higher category of offense if it is shown on the trial of the offense that the defendant used a social media platform in furtherance of the offense:

- the manufacture or delivery of a substance in Penalty Groups 1, 1-A, 1-B, 2, 2-A, 3, or 4;
- the manufacture, delivery, or possession of miscellaneous substances;
- the delivery of marihuana; and
- the delivery of a controlled substance or marihuana to child.

For such an offense that is a punishable as a first degree felony, the bill instead increases the punishment by five years and doubles the maximum fine for the offense. The bill defines "social media platform" by reference to the Business & Commerce Code.

H.B. 2695 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.