

## **BILL ANALYSIS**

Senate Research Center  
89R14927 CJD-D

H.B. 3464  
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Criminal Justice  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Between 2001 and 2018, inmate drug overdose rates have increased by 600 percent. The Texas Department of Criminal Justice's Correctional Institutions Division has long blamed visiting family and friends for the presence and distribution of drugs in correctional facilities. Despite implementing harsher restrictions monitoring incoming mail, many correctional facilities have discovered that drugs are still making it in, and in some cases, more drugs than before the tightened rules. Friends and family are not the key part responsible for contraband substances. Across the U.S., and especially in Texas, correctional institutions have discovered that most of the suppliers in inmate drug rings are correctional officers. Just recently as 2023, a San Antonio court found four correctional officers guilty of smuggling narcotics into Texas prisons. There are already tight restrictions on smuggling, but, as inmate overdoses increase it is clear that there must be a harsher deterrent to the distributions to inmates in Texas correctional facilities.

This bill addresses that issue by enhancing the penalties faced by correctional officers who are found guilty of smuggling and selling narcotics in correctional facilities. Specifically, the bill enhances the penalty from a third degree felony to a second degree felony, and, in the case that the inmate who received the narcotics dies from an overdose, a first degree felony carrying a sentence of life imprisonment and a \$250,000 fine.

H.B. 3464 amends current law relating to the offense of providing a controlled substance to a person in the custody of a correctional facility and increases a criminal penalty.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 38.11, Penal Code, by amending Subsection (g) and adding Subsections (g-1) and (g-2), as follows:

(g) Creates exceptions under Subsections (g-1) and (g-2).

(g-1) Provides that, except as otherwise provided by Subsection (g-2), an offense under Subsection (a) (relating to providing that a person commits an offense if the person provides, or possesses with intent to provide, certain substances or items) is a felony of the second degree if the actor is employed by the correctional facility or provides a controlled substance to a person in the custody of the correctional facility, except on the prescription of a practitioner.

(g-2) Provides that, an offense under Subsection (a) is 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 15 years, and a fine not to exceed \$250,000 if:

(1) the actor is employed by the correctional facility;

(2) the actor provides a controlled substance to a person in the custody of the correctional facility, except on the prescription of a practitioner; and

(3) the ingestion, inhalation, injection, or other administration of the controlled substance causes the death of a person in the custody of the facility.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2025.