

BILL ANALYSIS

H.B. 3464
By: Meza
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Data from the Bureau of Justice Statistics found that between 2001 and 2018, inmate deaths due to drug overdose increased by 600 percent. The Texas Department of Criminal Justice correctional institutions division has long blamed visiting family and friends for the presence and distribution of drugs in correctional facilities, according to reporting by *The Texas Observer* and *The Texas Tribune*. However, *The Texas Tribune* also reports that the presence of drugs in correctional facilities persists, despite the implementation of harsher visitation restrictions and monitoring incoming mail, due to correctional officers serving as suppliers in inmate drug rings. For example, as recently as 2023, a San Antonio court indicted three correctional officers for smuggling narcotics into Texas prisons. The bill author has informed the committee that as inmate overdose rates increase, there is a clear need for a harsher deterrent to the distribution of narcotics to inmates in Texas correctional facilities. H.B. 3464 seeks to address this issue by enhancing the penalties faced by correctional officers who are found guilty of smuggling and selling narcotics in correctional facilities.

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. 3464 amends the Penal Code to enhance from a third degree felony to a second degree felony the penalty for providing a controlled substance to a person in the custody of a correctional facility if the actor is employed by the correctional facility, except for the provision of a controlled substance on the prescription of a practitioner. The bill further enhances the penalty for such conduct to a first degree felony 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 capped at \$250,000, if the ingestion, inhalation, injection, or other administration of the controlled substance causes the death of a person in the custody of the facility.

H.B. 3464 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.