

BILL ANALYSIS

S.B. 1152
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that there are concerns regarding offenders who repeatedly engage in small-scale drug distribution and continuously accumulate multiple pending state jail cases for minor drug deliveries. The bill sponsor has also informed the committee that until offenders have been convicted of two prior state jail offenses, prosecutors are limited to a low-level sentencing range, even if the combined amounts would otherwise qualify as third degree felony charges. S.B. 1152 seeks to address this issue by creating a third degree felony offense for a person who, during a 12-month period, engages in two or more instances of manufacturing or delivery of certain controlled substances.

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

S.B. 1152 amends the Health and Safety Code to create the third degree felony offense of continuous manufacturing or delivery of a controlled substance offense for a person who, during a period that is 12 months or less in duration, engages two or more times in conduct that constitutes an offense of manufacturing or delivery of a substance in Penalty Group 1, 1-A, 2, 2-A, 3, or 4 under the Texas Controlled Substances Act. The bill establishes that members of the jury, if a jury is the trier of fact, are not required to agree unanimously on which specific conduct engaged in by the defendant constituted an applicable offense, the exact date on which that conduct occurred, or the county in which each instance of the conduct occurred. The bill requires the jury to agree unanimously that the defendant, during a period that is 12 months or less in duration, engaged two or more times in conduct that constitutes the manufacture or delivery offense.

S.B. 1152 prohibits a defendant from being convicted in the same criminal action of another offense an element of which is any conduct that is alleged as an element of the continuous manufacturing or delivery of a controlled substance offense except if the other offense, as follows:

- is charged in the alternative;
- occurred outside the period in which the alleged manufacturing or delivery of a controlled substance offense was committed; or

- is considered by the trier of fact to be a lesser included offense of the alleged continuous manufacturing or delivery of a controlled substance offense.

The bill prohibits a defendant from being charged with more than one count of the continuous manufacturing or delivery of a controlled substance offense for conduct occurring during a period that is 12 months or less in duration.

S.B. 1152 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.