

BILL ANALYSIS

Senate Research Center
89R11223 CJD-F

S.B. 1152
By: Huffman
Criminal Justice
4/11/2025
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are concerns that offenders who repeatedly engage in small-scale drug distribution can continuously accumulate multiple pending state jail cases for minor drug deliveries. 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 creates a new third-degree felony offense if a person, during a 12-month period, engages in two or more instances of manufacturing or delivery of a controlled substance.

As proposed, S.B. 1152 amends current law relating to creating the criminal offense of continuous manufacture or delivery of a controlled substance.

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 Subchapter D, Chapter 481, Health and Safety Code, by adding Section 481.142, as follows:

Sec. 481.142. CONTINUOUS MANUFACTURE OR DELIVERY OF CONTROLLED SUBSTANCE. (a) Provides that a person commits an offense if, during a period that is 12 months or less in duration, the person engages two or more times in conduct that constitutes an offense under Section 481.112 (Offense: Manufacture or Delivery of Substance in Penalty Group 1), 481.1121 (Offense: Manufacture or Delivery of Substance in Penalty Group 1-A), 481.113 (Offense: Manufacture or Delivery of Substance in Penalty Group 2 or 2-A), or 481.114 (Offense: Manufacture or Delivery of Substance in Penalty Group 3 or 4).

(b) Provides that, if a jury is the trier of fact, members of the jury are not required to agree unanimously on which specific conduct engaged in by the defendant constituted an offense described by Subsection (a), the exact date on which that conduct occurred, or the county in which each instance of the conduct occurred. 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 an offense under Section 481.112, 481.1121, 481.113, or 481.114.

(c) Prohibits the 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 offense under Subsection (a) unless the other offense is charged in the alternative, occurred outside the period in which the offense alleged under Subsection (a) was committed, or is considered by the trier of fact to be a lesser included offense of the offense alleged under Subsection (a).

(d) Prohibits a defendant from being charged with more than one count under Subsection (a) for conduct occurring during the same period described by Subsection (a).

(e) Provides that an offense under this section is a felony of the third degree.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2025.