

By: Meza, et al.

H.B. No. 3464

A BILL TO BE ENTITLED

AN ACT

relating to the offense of providing a controlled substance to a person in the custody of a correctional facility; increasing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

(g) Except as otherwise provided by Subsections (g-1) and (g-2), an ~~An~~ offense under this section is a felony of the third degree.

(g-1) Except as otherwise provided by Subsection (g-2), an offense under Subsection (a) is a felony of the second degree if the actor:

(1) is employed by the correctional facility; and

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

(g-2) 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;

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

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

7 SECTION 2. The change in law made by this Act applies only
8 to an offense committed on or after the effective date of this Act.
9 An offense committed before the effective date of this Act is
10 governed by the law in effect on the date the offense was committed,
11 and the former law is continued in effect for that purpose. For
12 purposes of this section, an offense was committed before the
13 effective date of this Act if any element of the offense occurred
14 before that date.

15 SECTION 3. This Act takes effect September 1, 2025.