

By: Kitzman

H.B. No. 5467

A BILL TO BE ENTITLED

AN ACT

relating to creating the criminal offense of continuous manufacture or delivery of a controlled substance.

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

SECTION 1. Subchapter D, Chapter 481, Health and Safety Code, is amended by adding Section 481.142 to read as follows:

Sec. 481.142. CONTINUOUS MANUFACTURE OR DELIVERY OF CONTROLLED SUBSTANCE. (a) 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, 481.1121, 481.113, or 481.114.

(b) 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. The jury must 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) The defendant may not be 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:

1 (1) is charged in the alternative;

2 (2) occurred outside the period in which the offense
3 alleged under Subsection (a) was committed; or

4 (3) is considered by the trier of fact to be a lesser
5 included offense of the offense alleged under Subsection (a).

6 (d) A defendant may not be charged with more than one count
7 under Subsection (a) for conduct occurring during the same period
8 described by Subsection (a).

9 (e) An offense under this section is a felony of the third
10 degree.

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

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