

**SENATE AMENDMENTS**  
**2<sup>nd</sup> Printing**

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.

ADOPTED

MAY 23 2025

*Latey Law*  
Secretary of the Senate

By: Roger W. N.

H.B. No. 3464

Substitute the following for H.B. No. 3464:

By: Peter P. Flores

C.S. H.B. No. 3464

A BILL TO BE ENTITLED

AN ACT

relating to increasing the criminal penalties for the offenses of providing or possessing with the intent to provide an alcoholic beverage, a controlled substance, or a dangerous drug to a person in the custody of a correctional facility, taking an alcoholic beverage, a controlled substance, or a dangerous drug into a correctional facility, and taking a controlled substance or dangerous drug on property owned, used, or controlled by a correctional facility.

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 [Am] 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)(1), (b), or (c) committed with respect to a correctional facility is a felony of the second degree if the actor is employed by the correctional facility.

(g-2) An offense under Subsection (a)(1), (b), or (c) committed with respect to a correctional facility 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

1 less than 15 years, and a fine not to exceed \$250,000 if:

2 (1) the actor is employed by the correctional  
3 facility; and

4 (2) the ingestion, inhalation, injection, or other  
5 administration of the controlled substance or dangerous drug that  
6 is the subject of the offense causes the death of a person in the  
7 custody of the correctional facility.

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

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

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**May 24, 2025**

**TO:** Honorable Dustin Burrows, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3464** by Meza (Relating to increasing the criminal penalties for the offenses of providing or possessing with the intent to provide an alcoholic beverage, a controlled substance, or a dangerous drug to a person in the custody of a correctional facility, taking an alcoholic beverage, a controlled substance, or a dangerous drug into a correctional facility, and taking a controlled substance or dangerous drug on property owned, used, or controlled by a correctional facility.), **As Passed 2nd House**

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| <b>No significant fiscal implication to the State is anticipated.</b> |
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The bill would increase the penalty for the third degree felony offense of prohibited substances and items in a correctional or civil commitment facility to a second degree felony when the actor is employed by the correctional facility and commits certain conduct related to the offense or to a first degree felony with a minimum fifteen year sentence if the consumption of the controlled substance or dangerous drug that is the subject of the offense causes the death of a person in the custody of the correctional facility.

The Office of Court Administration indicates that the fiscal impact to the court system is indeterminate. The Comptroller of Public Accounts notes that the offense is currently a felony and further felony increases would have no fiscal impact on state court cost revenue.

**Local Government Impact**

While it is assumed that any fiscal impact to units of local government associated with enforcement, prosecution, supervision, or confinement would not be significant, it would be dependent on the number of offenses committed under the specific circumstances as outlined in the bill.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

**LBB Staff:** JMc, SD, MGol, AMr, QH, DGI

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**May 20, 2025**

**TO:** Honorable Pete Flores, Chair, Senate Committee on Criminal Justice

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3464** by Meza (relating to increasing the criminal penalties for the offenses of providing or possessing with the intent to provide an alcoholic beverage, a controlled substance, or a dangerous drug to a person in the custody of a correctional facility, taking an alcoholic beverage, a controlled substance, or a dangerous drug into a correctional facility, and taking a controlled substance or dangerous drug on property owned, used, or controlled by a correctional facility.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would increase the penalty for the third degree felony offense of prohibited substances and items in a correctional or civil commitment facility to a second degree felony when the actor is employed by the correctional facility and commits certain conduct related to the offense or to a first degree felony with a minimum fifteen year sentence if the consumption of the controlled substance or dangerous drug that is the subject of the offense causes the death of a person in the custody of the correctional facility.

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**LBB Staff:** JMc, MGol, AMr, QH, DGI

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**May 19, 2025**

**TO:** Honorable Pete Flores, Chair, Senate Committee on Criminal Justice

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3464** by Meza (Relating to the offense of providing a controlled substance to a person in the custody of a correctional facility; increasing a criminal penalty.), **As Engrossed**

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| <b>No significant fiscal implication to the State is anticipated.</b> |
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The bill would increase the penalty for the third degree felony offense of prohibited substances and items in a correctional or civil commitment facility to a second degree felony when the actor is employed by the correctional facility and provides a controlled substance in certain circumstances to a person in the custody of the correctional facility, or to a first degree felony with a minimum fifteen year sentence if the consumption of the controlled substance causes the death of a person in the custody of the facility.

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**LBB Staff:** JMc, MGol, AMr, DGI

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**April 8, 2025**

**TO:** Honorable Sam Harless, Chair, House Committee on Corrections

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3464** by Meza (Relating to the offense of providing a controlled substance to a person in the custody of a correctional facility; increasing a criminal penalty.), **As Introduced**

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|---|
| <b>No significant fiscal implication to the State is anticipated.</b> |
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The bill would increase the penalty for the third degree felony offense of prohibited substances and items in a correctional or civil commitment facility to a second degree felony when the actor is employed by the correctional facility and provides a controlled substance in certain circumstances to a person in the custody of the correctional facility, or to a first degree felony with a minimum fifteen year sentence if the consumption of the controlled substance causes the death of a person in the custody of the facility.

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**LBB Staff:** JMc, MGol, AMr, DGI

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**89TH LEGISLATIVE REGULAR SESSION**

**May 20, 2025**

**TO:** Honorable Pete Flores, Chair, Senate Committee on Criminal Justice

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3464** by Meza (relating to increasing the criminal penalties for the offenses of providing or possessing with the intent to provide an alcoholic beverage, a controlled substance, or a dangerous drug to a person in the custody of a correctional facility, taking an alcoholic beverage, a controlled substance, or a dangerous drug into a correctional facility, and taking a controlled substance or dangerous drug on property owned, used, or controlled by a correctional facility.), **Committee Report 2nd House, Substituted**

The bill would increase the penalty for the third degree felony offense of prohibited substances and items in a correctional or civil commitment facility to a second degree felony when the actor is employed by the correctional facility and commits certain conduct related to the offense or to a first degree felony with a minimum fifteen year sentence if the consumption of the controlled substance or dangerous drug that is the subject of the offense causes the death of a person in the custody of the correctional facility.

Increasing the penalty for an existing offense may result in additional demands upon state correctional resources due to a possible increase in the number of individuals confined and in the length of stay for individuals sentenced to a term of confinement.

In fiscal year 2024, there were 2,666 arrests, 31 referrals, 195 placements onto adult community supervision, 305 individuals admitted into an adult state correctional facility, and no individuals admitted into a juvenile state correctional facility for the prohibited substances offenses which could be subject to enhanced penalties.

While it is assumed that the impact on state correctional populations or on the demand for state correctional resources would not be significant, it would be dependent on the number of offenses committed under the specific circumstances as outlined in the bill.

**Source**

**Agencies:**

**LBB Staff:** JMc, MGol, AMr, DGI, QH

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**89TH LEGISLATIVE REGULAR SESSION**

**May 19, 2025**

**TO:** Honorable Pete Flores, Chair, Senate Committee on Criminal Justice

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3464** by Meza (Relating to the offense of providing a controlled substance to a person in the custody of a correctional facility; increasing a criminal penalty.), **As Engrossed**

The bill would increase the penalty for the third degree felony offense of prohibited substances and items in a correctional or civil commitment facility to a second degree felony when the actor is employed by the correctional facility and provides a controlled substance in certain circumstances to a person in the custody of the correctional facility, or to a first degree felony with a minimum fifteen year sentence if the consumption of the controlled substance causes the death of a person in the custody of the facility.

Increasing the penalty for an existing offense may result in additional demands upon state correctional resources due to a possible increase in the number of individuals confined and in the length of stay for individuals sentenced to a term of confinement.

In fiscal year 2024, there were 2,666 arrests, 31 referrals, 195 placements onto adult community supervision, 305 individuals admitted into an adult state correctional facility, and no individuals admitted into a juvenile state correctional facility for the prohibited substances offenses which could be subject to enhanced penalties according to the specific circumstances in the bill's provisions.

While it is assumed that the impact on state correctional populations or on the demand for state correctional resources would not be significant, it would be dependent on the number of offenses committed under the specific circumstances as outlined in the bill.

**Source**

**Agencies:**

**LBB Staff:** JMc, MGol, DGI, AMr

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**  
**89TH LEGISLATIVE REGULAR SESSION**

**April 8, 2025**

**TO:** Honorable Sam Harless, Chair, House Committee on Corrections

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3464** by Meza (Relating to the offense of providing a controlled substance to a person in the custody of a correctional facility; increasing a criminal penalty.), **As Introduced**

The bill would increase the penalty for the third degree felony offense of prohibited substances and items in a correctional or civil commitment facility to a second degree felony when the actor is employed by the correctional facility and provides a controlled substance in certain circumstances to a person in the custody of the correctional facility, or to a first degree felony with a minimum fifteen year sentence if the consumption of the controlled substance causes the death of a person in the custody of the facility.

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While it is assumed that the impact on state correctional populations or on the demand for state correctional resources would not be significant, it would be dependent on the number of offenses committed under the specific circumstances as outlined in the bill.

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**LBB Staff:** JMc, MGol, AMr, DGI