

House Bill 3464
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 [Añ] 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;

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

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

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the

SENATE VERSION (CS)

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

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

(2) the ingestion, inhalation, injection, or other administration 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.

SECTION 2. Same as House version.

CONFERENCE

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offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

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

SENATE VERSION (CS)

SECTION 3. Same as House version.

CONFERENCE