

SUBJECT:	Creating an offense for manufacture of certain controlled substances
COMMITTEE:	Criminal Jurisprudence — favorable, without amendment
VOTE:	9 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, Leach, C. Morales, Schatzline 0 nays
WITNESSES:	<p>For — Roberto Arredondo, City of Carrollton Police Department; Andrew Anagnostis, Dallas County District Attorney John Creuzot; Devon Palk, Dallas Police Department; Carolyn Benavides; Debbie Petersen (<i>Registered, but did not testify</i>: James Parnell, Dallas Police Association; Joshua Normand, Harris County Deputies' Organization Fraternal Order of Police Lodge #39; Ray Hunt, Houston Police Officers' Union; Ray Scifres, Sheriffs' Association of Texas; John Wilkerson, Texas Municipal Police Association; AJ Louderback, Texas Sheriffs' Regional Alliance; Michelle Evans)</p> <p>Against — (<i>Registered, but did not testify</i>: Lauren Johnson, ACLU of Texas; Sarah Reyes, Texas Center for Justice and Equity; Allen Place, Texas Criminal Defense Lawyers' Association)</p>
BACKGROUND:	Concerns have been raised that prosecuting cases of manufacture or delivery of a controlled substance can be more difficult because the severity of the charge is dependent upon the amounts of the drug present at the scene or in the bloodstream of the deceased.
DIGEST:	HB 1581 would establish the offense of manufacture or delivery of controlled substance causing death or serious bodily injury. A person would commit an offense if the person knowingly manufactured or delivered a controlled substance in violation of the Texas Controlled Substances Act and a person died or suffered serious bodily injury as a result of injecting, ingesting, inhaling, or introducing into the person's body any amount of the controlled substance, regardless of whether the controlled substance was used by itself or with another substance.

An offense under the bill would be:

- a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000) if the offense resulted in serious bodily injury to a person; or
- a first-degree felony (life in prison or a sentence of five to 99 years and an optional fine of up to \$10,000) if the offense resulted in the death of a person.

The bill would provide a defense to prosecution if the actor's conduct in manufacturing or delivering the controlled substance was authorized under the Texas Controlled Substances Act or other state or federal law.

If conduct that constituted an offense under the bill also constituted an offense under another law, the actor could be prosecuted under either or both provisions. If a defendant was convicted of an offense under the bill, the court could not order the sentence for the offense to run concurrently with any other sentence the court imposed on the defendant.

The bill would take effect September 1, 2023, and would apply only to an offense committed on or after that date.