

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 41  
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Criminal Justice  
3/11/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, Texas law provides for a felony conviction of a drug dealer; however, the punishment for conviction of standard drug delivery is a maximum of two years in a state jail facility. The law does not take into account whether the person to whom the drug dealer sold drugs lives or dies. This bill would provide that, a person who is convicted for the delivery of drugs that results in the death of the user, could be punished by a mandatory minimum sentence of 15 years in prison or a maximum life sentence.

### **PURPOSE**

As proposed, C.S.S.B. 41 enhances the penalty for an offender who manufactures or delivers a controlled substance causing death or serious bodily injury.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 481D, Health and Safety Code, by adding Section 481.140, as follows:

Sec. 481.140. SERIOUS BODILY INJURY ENHANCEMENT. Provides that if it is shown at the punishment phase of a trial, regarding certain offenses, that a person suffered serious bodily injury by reason of the introduction of a controlled substance into the person's body, the punishment for the offense prescribed is increased to the next highest category of the offense. Establishes that if the offense is a first degree felony, the minimum term of confinement for the offense is increased to 15 years. Provides that Subsection (a) applies regardless of whether the defendant delivered the controlled substance to the person who suffered serious bodily injury or another person. Defines "serious bodily injury."

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Amends Section 481.140, Chapter 481D, Health and Safety Code, to provide a new heading. Deletes text regarding the inclusion of offenses resulting in death, as well as text regarding certain punishments and fines. Adds Subsection (c), to add a definition of "serious bodily injury."