

BILL ANALYSIS

Senate Research Center

H.B. 156
By: Homer (Shapiro)
Criminal Justice
5/7/2001
Engrossed

DIGEST AND PURPOSE

There is concern that some adults recruit minors to sell drugs to school-age children. Increasing the penalty for adults who use children to commit or assist in the commission of an offense relating to the manufacture or delivery of certain controlled substances may mitigate this practice. H.B. 156 provides this increase.

RULEMAKING AUTHORITY

This bill does not expressly 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. USE OF CHILD IN COMMISSION OF OFFENSE. (a) Provides that if it is shown at the punishment phase of the trial of an offense otherwise punishable as a state jail felony, felony of the third degree, or felony of the second degree under Section 481.112, 481.1121, 481.113, 481.114, 481.120, or 481.122 that the defendant used or attempted to use a child younger than 18 years of age to commit or assist in the commission of the offense, the punishment is increased by one degree, unless the defendant used or threatened to use force against the child or another to gain the child's assistance, in which event the punishment for the offense is a felony of the first degree.

(b) Prohibits the court, notwithstanding Article 42.08, Code of Criminal Procedure, if punishment for a defendant is increased under this section, from ordering the sentence for the offense to run concurrently with any other sentence the court imposes on the defendant.

SECTION 2. Amends Section 3g(a), Article 42.12, Code of Criminal Procedure, to provide that the provisions of Section 3 of this Article do not apply to certain defendants.

SECTION 3. Amends Section 508.149(a), Government Code, to prohibit an inmate from being released to mandatory supervision if the inmate is serving a sentence for or has been previously convicted of certain offenses.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: upon passage or September 1, 2001.