

## **BILL ANALYSIS**

Senate Research Center  
76R1143 PEP-D

S.B. 41  
By: Shapiro  
Criminal Justice  
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As Filed

### **DIGEST**

Currently, Texas law provides for a felony conviction of a drug dealers; 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 during the penalty phase, a person convicted for the delivery of drugs that results in the death of the user, the punishment could be enhanced to a mandatory sentence of a minimum of 15 years in prison or a maximum life sentence.

### **PURPOSE**

As proposed, 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. MANUFACTURE OR DELIVERY OF CONTROLLED SUBSTANCE CAUSING DEATH OR SERIOUS BODILY INJURY. Provides that an offense is punishable by imprisonment and/or the payment of a fine, if a person dies as a result of introducing into the body any amount of a controlled substance manufactured or delivered by the defendant, regardless of whether the substance was used alone or with another substance. Provides that Subsection (a) applies regardless of whether the defendant delivered the controlled substance or manufactured it for delivery by another person to the person who suffered death or serious bodily injury or to another person.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.