

## **BILL ANALYSIS**

Senate Research Center  
78R6421 PEP-D

C.S.S.B. 177  
By: Shapiro  
Criminal Justice  
4/16/2003  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Currently, a dealer or manufacturer of illegal drugs can only be charged with the delivery of a controlled substance, even when the sale of the drug directly leads to the death or injury of another person. C.S.S.B. 177 provides for the enhancement of the penalty for an offender who manufactures or delivers a controlled substance causing death or serious bodily injury.

### **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 Subchapter D, Chapter 481, Health and Safety Code, by adding Section 481.141, as follows:

Sec. 481.141. MANUFACTURE OR DELIVERY OF CONTROLLED SUBSTANCE CAUSING DEATH OR SERIOUS BODILY INJURY. (a) Provides that the punishment for an offense is increased by one degree if at the guilt or innocence phase of the trial of an offense the trier of fact determines beyond a reasonable doubt that a person died or suffered serious bodily injury as a result of the use of any amount of a controlled substance manufactured or delivered by the defendant, regardless of whether the substance was used by itself or with another substance.

(b) Provides that this section applies to an offense otherwise punishable as a state jail felony, felony of the third degree, or felony of the second degree under certain other sections.

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

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2003.