

## **BILL ANALYSIS**

Senate Research Center  
79R1229 JD-D

S.B. 109  
By: Estes  
Criminal Justice  
3/23/2005  
As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Methamphetamines are manufactured in numerous locations where children are present, exposing them to dangerous and toxic elements. This is an issue of child endangerment, abuse, and neglect.

Currently, manufacturing one to four grams of methamphetamine is a third degree felony. As proposed, S.B. 109 increases the punishment for an individual manufacturing methamphetamine in the presence of a child. If a child is present, the charge immediately increases to a second degree felony. Additionally, a minimum punishment of 10 years is increased to 15 years and the associated \$100,000 fine will increase to \$150,000. A minimum punishment of 15 years will increase to 20 years and the \$250,000 fine will increase to \$300,000.

### **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, as follows:

Sec. 481.1122. MANUFACTURE OF METHAMPHETAMINE: PRESENCE OF A CHILD. Provides for certain increased punishment guidelines if, during the punishment stage of a trial for the manufacture of methamphetamine, it is shown that a child younger than 18 was present on the premises when the offense was committed.

SECTION 2. Makes application of this Act prospective to offenses committed on or after September 1, 2005. Provides that for purposes of this section, an offense was committed before September 1, 2005, if any element of the offense was committed before that date.

SECTION 3. Effective date: September 1, 2005.