

## **BILL ANALYSIS**

Senate Research Center  
80R2243 PEP-D

S.B. 183  
By: Estes  
Criminal Justice  
4/2/2007  
As Filed

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

Penalty Group 1 substances are manufactured in numerous locations where children are present, exposing them to dangerous and toxic elements. This presents issues surrounding child endangerment, abuse, and neglect.

As proposed, S.B. 183 increases the punishment for an individual manufacturing a Penalty Group 1 substance in the presence of a child by one degree. Additionally, a minimum punishment of 10 years in prison is increased to 15 years and the associated fine of \$100,000 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, by adding Section 481.1122, as follows:

Sec. 481.1122. MANUFACTURE OF SUBSTANCE IN PENALTY GROUP 1: PRESENCE OF CHILD. Provides that if it is found during the punishment phase of a trial involving the manufacture of a controlled substance that a child under 18 was present when and where the offense was committed the punishment will be increased. Establishes that a punishment specified in Sections 481.112(b) and (c) (Offense: Manufacture or Delivery of Substance in Penalty Group 1) will be increased one degree, the minimum prison term specified in Section 481.112(e) will be increased to 15 years and the maximum fine increased to \$150,000, and the minimum prison term specified in Section 481.112(f) will be increased to 20 years and the maximum fine increased to \$300,000.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.