

1 AN ACT

2 relating to certain conduct involving controlled substances that
3 endangers or is otherwise committed in the presence of or in
4 proximity to a child.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter D, Chapter 481, Health and Safety
7 Code, is amended by adding Section 481.1122 to read as follows:

8 Sec. 481.1122. MANUFACTURE OF SUBSTANCE IN PENALTY GROUP 1:
9 PRESENCE OF CHILD. If it is shown at the punishment phase of a trial
10 for the manufacture of a controlled substance listed in Penalty
11 Group 1 that when the offense was committed a child younger than 18
12 years of age was present on the premises where the offense was
13 committed:

14 (1) the punishments specified by Sections 481.112(b)
15 and (c) are increased by one degree;

16 (2) the minimum term of imprisonment specified by
17 Section 481.112(e) is increased to 15 years and the maximum fine
18 specified by that section is increased to \$150,000; and

19 (3) the minimum term of imprisonment specified by
20 Section 481.112(f) is increased to 20 years and the maximum fine
21 specified by that section is increased to \$300,000.

22 SECTION 2. Section 22.041(c-1), Penal Code, is amended to
23 read as follows:

24 (c-1) For purposes of Subsection (c), it is presumed that a

1 person engaged in conduct that places a child in imminent danger of
2 death, bodily injury, or physical or mental impairment if:

3 (1) the person manufactured, possessed, or in any way
4 introduced into the body of any person the controlled substance
5 methamphetamine in the presence of the child;

6 (2) the person's conduct related to the proximity or
7 accessibility of the controlled substance methamphetamine to the
8 child and an analysis of a specimen of the child's blood, urine, or
9 other bodily substance indicates the presence of methamphetamine in
10 the child's body; or

11 (3) the person injected, ingested, inhaled, or
12 otherwise introduced a controlled substance listed in Penalty Group
13 1, Section 481.102, Health and Safety Code, into the human body when
14 the person was not in lawful possession of the substance as defined
15 by Section 481.002(24) of that code.

16 SECTION 3. The change in law made by this Act applies only
17 to an offense committed on or after the effective date of this Act.
18 An offense committed before the effective date of this Act is
19 governed by the law in effect when the offense was committed, and
20 the former law is continued in effect for that purpose. For
21 purposes of this section, an offense was committed before the
22 effective date of this Act if any element of the offense was
23 committed before that date.

24 SECTION 4. This Act takes effect September 1, 2007.

David Newburn

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 946 was passed by the House on April 26, 2007, by the following vote: Yeas 139, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 946 on May 25, 2007, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

Robert Hamey
Chief Clerk of the House

I certify that H.B. No. 946 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 30, Nays 0.

Latsy Spaw
Secretary of the Senate

APPROVED: 15 JUN 07

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
6 PM O'CLOCK

JUN 15 2007

Roger Williams
Secretary of State