

BILL ANALYSIS

Senate Research Center
80R3554 PEP-D

H.B. 946
By: Miller et al. (Whitmire)
Criminal Justice
5/21/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law defines imminent danger of a child to include the manufacture of methamphetamine in the presence of the child.

H.B. 946 expands the definition to include the possession of methamphetamine or introduction of the substance into the body of any person in the presence of a child and any conduct that would cause the substance to be near or accessible to the child. The bill also includes conduct that would create the presence of the substance in an analysis of a child's blood, urine, or other bodily substance in that definition.

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 Section 22.041(c-1), Penal Code, to provide that, for purposes of Subsection (c) (providing that a person commits an offense if, in a certain manner, the person engages in conduct that places a child younger than 15 years in certain imminent dangers), it is presumed that a person engaged in conduct that places a child in imminent danger of death, bodily injury, or physical or mental impairment if the person possessed, or in any way introduced into the body of any person, the controlled substance methamphetamine (methamphetamine) in the presence of the child or the person's conduct related to the proximity or accessibility of methamphetamine to the child and an analysis of a specimen of the child's blood, urine, or other bodily substance indicates the presence of methamphetamine in the child's body.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.