

AMENDED TEXAS GUIDELINES ON FENTANYL DEATHS & OVERDOSES

On September 1, 2023, Texas House Bill 6 amended the Penal Code 19.02 to allow a murder charge if the offender intentionally or knowingly illegally manufactures or delivers fentanyl, in any amount or form, that causes the death of an individual, regardless of whether the fentanyl was used by itself or with another substance.

19.02 only pertains to fentanyl related overdoses

19.02 does not apply if the Victim commits suicide.

When submitting the incident in your NIBRS data, the following data elements **MUST** be submitted with the corresponding data value:

Data Element	Value	Description
NIBRS Offense Code	09A	Murder and Nonnegligent Manslaughter
Type Weapon/ Force Involved	70	Drugs/ Narcotics/ Sleeping Pills
Homicide Circumstance	03	Drug Dealing
Offender Sequence Number	01-99	*Any except 00 = Unknown Offender

If the agency has NOT identified the offender responsible for the fentanyl overdose and who will be charged under Penal Code 19.02, then the agency will NOT report the 09A Murder and Nonnegligent Manslaughter in NIBRS.

Any other drug overdose that occurs outside of Penal Code 19.02 **CANNOT** be reported to NIBRS.

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