

By: Farrar, Riddle, Coleman, Pierson,
Naishtat

H.B. No. 3318

Substitute the following for H.B. No. 3318:

By: Kent

C.S.H.B. No. 3318

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the punishment of certain parents for the murder of the
3 parent's infant.

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

5 SECTION 1. Section 19.02, Penal Code, is amended by
6 amending Subsection (c) and adding Subsection (e) to read as
7 follows:

8 (c) Except as provided by Subsections [~~Subsection~~] (d) and
9 (e), an offense under this section is a felony of the first degree.

10 (e) At the punishment stage of a trial in which a defendant
11 has been found guilty of causing the death of a child to whom the
12 defendant gave birth within the 12-month period preceding the
13 child's death, the defendant may raise the issue as to whether the
14 defendant caused the child's death because the defendant's judgment
15 was impaired as a result of the effects of giving birth or the
16 effects of lactation following the birth. If the defendant proves
17 the issue in the affirmative by a preponderance of the evidence, the
18 offense is a state jail felony.

19 SECTION 2. The change in law made by this Act applies to a
20 trial that commences on or after the effective date of this Act,
21 regardless of whether the alleged offense was committed before, on,
22 or after that date. A trial that commenced before the effective
23 date of this Act is covered by the law in effect when the trial
24 commenced, and the former law is continued in effect for that

1 purpose.

2 SECTION 3. This Act takes effect September 1, 2009.