

By: Farrar

H.B. No. 3318

A BILL TO BE ENTITLED

AN ACT

relating to creating an offense for infanticide.

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

SECTION 1. Section 19.01(b), Penal Code, is amended to read as follows:

(b) Criminal homicide is murder, capital murder, manslaughter, infanticide, or criminally negligent homicide.

SECTION 2. Chapter 19, Penal Code, is amended by adding Section 19.08 to read as follows:

Sec. 19.08. INFANTICIDE. (a) A person commits an offense if the person wilfully by an act or omission causes the death of a child to whom the person gave birth within the 12-month period preceding the child's death and if, at the time of the act or omission, the person's judgment was impaired as a result of the effects of giving birth or the effects of lactation following the birth.

(b) An offense under this section is a state jail felony.

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

1 date.

2 SECTION 4. This Act takes effect September 1, 2009.