

## **BILL ANALYSIS**

C.S.H.B. 1714  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, one of the conditions in which a person who has murdered a child can be convicted of a first degree felony is if it is shown that the person intended to kill the child. In cases where child abuse results in death, it is often not possible to meet this burden of proof so the perpetrator is charged with injury to a child. This is understandably difficult for the parent of a child victim to reconcile: their child is dead. However, the person responsible is being charged with injury to a child.

C.S.H.B. 1714 would allow perpetrators to be charged with murder of a child when deliberate abuse results in death.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1714 provides that intentional injury to a child, under Section 22.04, Penal Code, that is clearly dangerous and that results in the death of the child constitutes a first degree felony offense. making abuse that results in death of a child under the age of 14 murder of child. A person convicted of this offense may not be placed on community supervision.

### **EFFECTIVE DATE**

September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The committee substitute differs from the original by clarifying that in order for a person to be eligible for conviction, the person must have intentionally or knowingly committed the offense. The substitute also omits language regarding Acts of omission to ensure that the abuse must be committed knowingly and intentionally. The substitute further reduces the minimum sentence from 15 years down to 5, but makes the defendant ineligible for community supervision.