

BILL ANALYSIS

S.B. 1838
By: Patrick, Dan
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, the Family Code does not address the issue of parental rights when one parent commits the crime of criminal solicitation of murder against the child's other parent.

As proposed, S.B. 1838 authorizes the court to order termination of the parent-child relationship if the court finds clear and convincing evidence that the parent has been convicted of a criminal attempt to the murder or criminal solicitation to murder the other parent of the child.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Section 161.001, Family Code, as follows:

Sec. 161.001. INVOLUNTARY TERMINATION OF PARENT-CHILD RELATIONSHIP. Authorizes the court to order termination of the parent-child relationship if the court finds by clear and convincing evidence that the parent has been convicted of, among other things, criminal attempt under Section 15.01 (Criminal Attempt), Penal Code, or under a law of another state, federal law, the law of a foreign country, or the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of an offense under Section 15.01, Penal Code, to commit the offense described by Subparagraph (i) (relating to the murder of the other parent of the child under certain laws) or criminal solicitation under Section 15.03 (Criminal Solicitation), Penal Code, or under a law of another state, federal law, the law of a foreign country, of the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of an offense under Section 15.03, Penal Code, of the offense described by Subparagraph (i).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.

EFFECTIVE DATE

September 1, 2009.