

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 16, 2009**

**TO:** Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3318** by Farrar (Relating to the punishment of certain parents for the murder of the parent's infant. ), **Committee Report 1st House, Substituted**

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| <b>No significant fiscal implication to the State is anticipated.</b> |
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The bill would amend the Penal Code relating to the punishment stage of a trial in which a defendant is guilty of causing the death of a child; the defendant may raise the issue of impairment under certain conditions. If the defendant proves the issue in the affirmative by a preponderance of the evidence, the offense would be punishable as a state jail felony. The bill would apply to a trial that commences on or after September 1, 2009.

It is estimated that implementation of the bill would not have a significant impact on the costs of state or local government.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 696 Department of Criminal Justice

**LBB Staff:** JOB, ESi, GG, TMP