

## **BILL ANALYSIS**

Senate Research Center

S.B. 539  
By: Ogden  
Criminal Justice  
2-28-97  
As Filed

### **DIGEST**

Currently, Texas law contains no provisions making it an offense to cause bodily injury to a pregnant woman. However, physical assault on pregnant women not only risks stillbirth, miscarriage, and serious birth defects if the unborn child survives, but may also endanger a woman's ability to procreate. In addition, at least 22 states have laws which protect women in such cases, including California, Florida, and New York. S.B. 539 makes it a felony offense to cause injury to a pregnant woman in an attempt to better ensure the safety and protection of both pregnant women and unborn children.

### **PURPOSE**

As proposed, S.B. 539 creates the offense of causing injury to a pregnant woman.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 22, Penal Code, by adding Section 22.042, as follows:

Sec. 22.042. INJURY TO PREGNANT WOMAN. Defines "miscarriage" and "stillbirth." Provides that a person commits a second degree felony offense if the person recklessly causes bodily injury to a pregnant woman and causes her to suffer a miscarriage or stillbirth; or a third degree felony if the person recklessly causes bodily injury to a pregnant woman. Establishes that it is an exception to the application of Subsection (b) that the pregnant woman or an authorized person consented to the actor's conduct.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.