

PENAL CODE
TITLE 5. OFFENSES AGAINST THE PERSON
CHAPTER 19. CRIMINAL HOMICIDE

- Sec. 19.01. TYPES OF CRIMINAL HOMICIDE. (a) A person commits criminal homicide if he intentionally, knowingly, recklessly, or with criminal negligence causes the death of an individual.
 - (b) Criminal homicide is murder, capital murder, manslaughter, or criminally negligent homicide.

- Sec. 19.03. CAPITAL MURDER. (a) A person commits an offense if the person commits murder as defined under Section [19.02](#)(b)(1) and:
 - (7) the person murders more than one person:

PENAL CODE TITLE 1. INTRODUCTORY PROVISIONS CHAPTER 1. GENERAL PROVISIONS

- Sec. 1.07. DEFINITIONS. (a) In this code: (26)
"Individual" means a human being who is alive,
including an unborn child at every stage of
gestation from fertilization until birth. (since
2003)

The mother can consent freely to an abortion but she cannot be forced or coerced.

Section 19.06 provides that Chapter 19 of the penal code does not apply to the death of an unborn child if the conduct charged is:

- (1) conduct committed by the mother of the unborn child;
- (2) a lawful medical procedure performed by a physician or other licensed health care provider with the requisite consent, if the death of the unborn child was the intended result of the procedure;
- (3) a lawful medical procedure performed by a physician or other licensed health care provider with the requisite consent as part of an assisted reproduction as defined by Section 160.102, Family Code; or
- (4) the dispensation of a drug in accordance with law or administration of a drug prescribed in accordance with law. (emphasis added)