

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1571
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Law enforcement periodically finds need to take possession of a child without a court order. This most often occurs in cases of suspected trafficking or other abuse. Until recently, the Texas Family Code addressed how and to whom law enforcement should release such a child. This language was erroneously removed from statute by S.B. 206, 84th Legislature, Regular Session, 2015. Department of Public Safety troopers and other law enforcement officers utilize this language and would benefit from the clear direction of replacement language.

C.S.S.B. 1571 amends the Code of Criminal Procedure to add clarifying language that law enforcement who takes possession of a child in an emergency without a court order may release the child to certain entities. These entities are juvenile probation departments; the Department of Family and Protective Services (DFPS); a residential child-care facility licensed by DFPS, if the facility is authorized by DFPS to take the child; and any other person authorized by law to take the child. Before law enforcement releases the child, the officer must verify certain information regarding the child and the person to whom the child is being released. C.S.S.B. 1571 also requires law enforcement to log identifying information of the child and the person to whom the child is being released.

C.S.S.B. 1571 amends current law relating to the release of a child taken into possession by a law enforcement officer.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 2, Code of Criminal Procedure, by adding Article 2.273, as follows:

Art. 2.273. RELEASE OF CHILD BY LAW ENFORCEMENT OFFICER. (a) Authorizes a law enforcement officer (officer) who takes possession of a child under Section 262.104 (Taking Possession of a Child in Emergency Without a Court Order), Family Code, to release the child to:

- (1) a residential child-care facility licensed by the Department of Family and Protective Services (DFPS) under Chapter 42 (Regulation of Certain Facilities, Homes, and Agencies that Provide Child-Care Services), Human Resources Code, if the facility is authorized by DFPS to take possession of the child;
- (2) a juvenile probation department;
- (3) DFPS; or
- (4) any other person authorized by law to take possession of the child.

(b) Requires an officer, before the officer may release a child to a person authorized by law to take possession of the child other than a governmental entity, to:

(1) verify with the National Crime Information Center (NCIC) that the child is not a missing child;

(2) search the relevant databases of NCIC, including those pertaining to certain orders, warrants, sex offender registries, and persons on supervised release, in order to complete certain objectives.

(3) call DFPS Texas Abuse and Neglect hotline to determine whether the person to whom the child is being released is listed in the registry as a person who abused or neglected a child;

(4) verify that the person to whom the child is being released is at least 18 years of age; and

(5) maintain a record regarding the child's placement, including certain information.

SECTION 2. Effective date: September 1, 2017.