

Amend CSHB 2319 (Committee Printing) as follows:

(1) On page 8, strike lines 25-27 and substitute the following:

(2) there is probable cause to believe the person:

(A) engaged in delinquent conduct or conduct indicating a need for supervision; or

(B) is a nonoffender who has been taken into custody and is being held solely for deportation out of the United States.

(2) On page 12, between lines 14 and 15, insert the following new SECTIONS to the bill, appropriately numbered, and renumber the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. The heading to Section 54.011, Family Code, is amended to read as follows:

Sec. 54.011. DETENTION HEARINGS FOR STATUS OFFENDERS AND NONOFFENDERS; PENALTY.

SECTION \_\_\_\_\_. Section 54.011, Family Code, is amended by adding Subsection (f) to read as follows:

(f) Except as provided by Subsection (a), a nonoffender, including a person who has been taken into custody and is being held solely for deportation out of the United States, may not be detained for any period of time in a secure detention facility or secure correctional facility, regardless of whether the facility is publicly or privately operated. A nonoffender who is detained in violation of this subsection is entitled to immediate release from the facility and may bring a civil action for compensation for the illegal detention against any person responsible for the detention. A person commits an offense if the person knowingly detains or assists in detaining a nonoffender in a secure detention facility or secure correctional facility in violation of this subsection. An offense under this subsection is a Class B misdemeanor.

(3) On page 64, line 1, strike "(d) and (e)" and substitute "(d), (e), and (g)".

(4) On page 64, line 15, strike "Sections 20, 34, and 51 of this Act" and substitute "Section 54.051, Family Code, Article 62.13, Code of Criminal Procedure, and Section 12.42, Penal Code, as amended by this Act".

(5) On page 64, after line 21, insert the following:

(g) Section 54.011(f), Family Code, as added by this Act, applies only to a nonoffender who is detained in a secure detention facility or secure correctional facility on or after the effective date of this Act. A nonoffender who is detained in a secure detention facility or secure correctional facility before the effective date of this Act is not entitled to bring a civil action under Section 54.011(f), Family Code, as added by this Act.