

BILL ANALYSIS

C.S.H.B. 2011
By: Moreno, Joe E.
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, a law enforcement officer may take custody of a child without a court order under certain circumstances. Many situations include, but are not limited to, instances where an officer believes the child to be in immediate physical danger or is the victim of sexual abuse. Other situations are when a parent or guardian is arrested for an offense or an outstanding warrant and no other person is present to take custody of the child.

Common practice allows a law enforcement officer to maintain temporary custody of the child, until Child Protective Services (“CPS”) or the responsible party takes custody of the child. It often takes hours for CPS to respond and take custody of the child, thus removing the officer from law enforcement duties and emergency response services.

House Bill 2011 would allow employees or volunteers of law enforcement agencies, who have successfully completed Department of Protective and Regulatory Service background and criminal history checks, to aid the officer in providing temporary custody of a child and allow the officer to return to law enforcement duties.

RULEMAKING AUTHORITY

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 262, Family Code, by adding Section 262.009 which allows an employee or volunteer with a law enforcement agency, who has successfully completed a background and criminal history check approved by the Department of Protective and Regulatory Services, to aide an officer with the temporary care of a child who is taken into possession by a governmental entity without a court order under this chapter until further arrangements regarding the custody of the child can be made.

SECTION 2. Section 262.009, Family Code, as added by this Act, applies to the temporary care of a child in the possession of a governmental entity on or after the effective date of this Act regardless of whether the child was taken into possession by the governmental entity before, on, or after the effective date of this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

EFFECTIVE DATE

Upon passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B.2011 modifies the original H.B.2011 by amending Section 262.009, Family Code in lieu of Section 262.001, as amended in H.B.2011 and further eliminating reference to “civilian” and supplementing “an employee of or volunteer with a law enforcement agency” who successfully complete a background and criminal history check that is approved by the Department of Protective and Regulatory Services to assist with temporary care of a child.