

By: Wise, Goodman

H.B. No. 79

Substitute the following for H.B. No. 79:

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C.S.H.B. No. 79

A BILL TO BE ENTITLED

AN ACT

relating to certain persons entitled to possession of or access to a child.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 153, Family Code, is amended by adding Section 153.0035 to read as follows:

Sec. 153.0035. EXCLUSIVE RIGHT TO POSSESSION PRESUMED. It is presumed that the mother of a child is entitled to exclusive physical possession of the child if:

(1) the mother was not married at the time of the child's birth;

(2) paternity of the child has not been established;

(3) there is no court order that provides for possession of or access to the child; and

(4) the child lives with the mother.

SECTION 2. Subchapter B, Chapter 56, Code of Criminal Procedure, is amended by adding Article 56.545 to read as follows:

Art. 56.545. COMPENSATION FOR VICTIMS OF INTERFERENCE WITH CHILD CUSTODY. (a) In this article, "victim" means a parent of a child taken or retained in violation of Section 25.03, Penal Code, or a child taken or retained in violation of Section 25.03, Penal Code. The term does not include the parent who is prosecuted for violating Section 25.03, Penal Code.

(b) The attorney general shall award compensation for a loss

1 arising from the commission of an offense under Section 25.03,
2 Penal Code, in substantially the same manner as the attorney
3 general is required to award compensation under this subchapter for
4 a pecuniary loss arising from criminally injurious conduct.

5 SECTION 3. (a) This Act takes effect September 1, 2003.

6 (b) The change in law made by Section 1 of this Act applies
7 to a pending suit affecting the parent-child relationship without
8 regard to whether the suit was filed before, on, or after the
9 effective date of this Act.

10 (c) The change in law made by Article 56.545, Code of
11 Criminal Procedure, as added by this Act, applies only to a
12 violation of Section 25.03, Penal Code, that occurs on or after the
13 effective date of this Act.