

By: Moreno of Harris

H.B. No. 2009

A BILL TO BE ENTITLED

AN ACT

relating to the detention of a juvenile nonoffender; providing penalties.

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

SECTION 1. 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 2. Section 54.011, Family Code, is amended by adding Subsection (f) to read as follows:

(f) A nonoffender 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.

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

(b) Section 54.011(f), Family Code, as added by this Act, applies only to a nonoffender who is detained in a secure detention

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

6 (c) Section 54.011(f), Family Code, as added by this Act,
7 applies only to conduct that occurs on or after the effective date
8 of this Act. Conduct violating the penal law of this state occurs
9 on or after the effective date of this Act if any element of the
10 violation occurs on or after that date. Conduct that occurs before
11 the effective date of this Act is governed by the law in effect at
12 the time the conduct occurred, and that law is continued in effect
13 for that purpose.