

By: Davis of Harris

H.B. No. 3348

A BILL TO BE ENTITLED

AN ACT

relating to the offense of violating the terms of a court order providing for the possession of or access to a child.

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

SECTION 1. Chapter 25, Penal Code, is amended by adding Section 25.055 to read as follows:

Sec. 25.055. INTERFERENCE WITH COURT-ORDERED POSSESSION OF OR ACCESS TO CHILD. (a) A person commits an offense if the person takes or retains a child younger than 18 years of age when the person knows or should reasonably know that the person's taking or retention violates a court order that provides for the possession of or access to the child and, in the two years preceding the date of that taking or retention, the person has been held in contempt of court on two occasions for violating the court order that provides for the possession of or access to the child.

(b) A custodial parent commits an offense if, with the intent to interfere with the noncustodial parent's lawful possession of or access to a child younger than 18 years of age, the custodial parent knowingly entices or persuades the child to not participate in a period of the noncustodial parent's possession of or access to the child.

(c) It is a defense to prosecution under Subsection (a) that the person could not return the child to the other parent at the end of a period of possession of or access to the child because of

1 special circumstances that would have prevented a reasonable person
2 from being able to return the child.

3 (d) An offense under this section is a Class B misdemeanor
4 unless it is shown on the trial of the offense that the defendant
5 has been convicted one or more times under this section, in which
6 event the offense is a Class A misdemeanor.

7 (e) If conduct that constitutes an offense under this
8 section also constitutes an offense under any other law, the actor
9 may be prosecuted under this section or the other law.

10 SECTION 2. This Act takes effect September 1, 2003.