

AN ACT

relating to the investigation of certain reports of child abuse or neglect.

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

SECTION 1. Section 261.301, Family Code, is amended by amending Subsection (f) and adding Subsection (h) to read as follows:

(f) An investigation of a report to the department that is assigned the highest priority in accordance with department rules adopted under Subsection (d) and that alleges an immediate risk of ~~[serious]~~ physical or sexual abuse of a child that could result in the death of or serious harm to the child shall be conducted jointly by a peace officer, as defined by Article 2.12, Code of Criminal Procedure, ~~[an investigator]~~ from the appropriate local law enforcement agency and the department or the agency responsible for conducting an investigation under Subchapter E.

(h) The department and the appropriate local law enforcement agency shall conduct an investigation, other than an investigation under Subchapter E, as provided by this section and Article 2.27, Code of Criminal Procedure, if the investigation is of a report of child abuse or neglect that is assigned the highest priority in accordance with department rules adopted under Subsection (d) and that alleges an immediate risk of physical or sexual abuse of a child that could result in the death of or serious

1 harm to the child. Immediately on receipt of a report described by
2 this subsection, the department shall notify the appropriate local
3 law enforcement agency of the report.

4 SECTION 2. Article 2.27, Code of Criminal Procedure, is
5 amended to read as follows:

6 Art. 2.27. INVESTIGATION OF CERTAIN REPORTS ALLEGING CHILD
7 ABUSE. On receipt of a report that is assigned the highest priority
8 in accordance with rules adopted by the Department of Protective
9 and Regulatory Services under Section 261.301(d), Family Code, and
10 that alleges an immediate risk of [alleging serious] physical or
11 sexual abuse of a child that could result in the death of or serious
12 harm to the child by a person responsible for the care, custody, or
13 welfare of the child, a peace officer [an investigator] from the
14 appropriate local law enforcement agency shall investigate the
15 report jointly with the department [Department of Protective and
16 Regulatory Services] or with the agency responsible for conducting
17 an investigation under Subchapter E, Chapter 261, Family Code. As
18 soon as possible after being notified by the department of the
19 report, but not later than 24 hours after being notified, the peace
20 officer shall accompany the department investigator in initially
21 responding to the report.

22 SECTION 3. This Act takes effect September 1, 2003, and
23 applies only to the investigation of a report of child abuse or
24 neglect made on or after that date. The investigation of a report
25 of child abuse or neglect made before the effective date of this Act
26 is governed by the law in effect on the date the report was made, and
27 the former law is continued in effect for that purpose.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 669 passed the Senate on April 25, 2003, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 29, 2003, by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 669 passed the House, with amendment, on May 25, 2003, by the following vote: Yeas 117, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor