

1-1 By: Ogden S.B. No. 669
1-2 (In the Senate - Filed February 24, 2003; February 27, 2003,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; April 14, 2003, reported favorably by the following
1-5 vote: Yeas 8, Nays 0; April 14, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the investigation of certain reports of child abuse or
1-9 neglect.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 261.301, Family Code, is amended by
1-12 amending Subsection (f) and adding Subsection (h) to read as
1-13 follows:

1-14 (f) An investigation of a report to the department that is
1-15 assigned the highest priority in accordance with department rules
1-16 adopted under Subsection (d) or that alleges ~~of~~ serious physical
1-17 or sexual abuse of a child shall be conducted jointly by a peace
1-18 officer, as defined by Article 2.12, Code of Criminal Procedure,
1-19 ~~[an investigator]~~ from the appropriate local law enforcement agency
1-20 and the department or the agency responsible for conducting an
1-21 investigation under Subchapter E.

1-22 (h) The department and the appropriate local law
1-23 enforcement agency shall conduct an investigation, other than an
1-24 investigation under Subchapter E, as provided by this section and
1-25 Article 2.27, Code of Criminal Procedure, if the investigation is
1-26 of a report of child abuse or neglect that is assigned the highest
1-27 priority in accordance with department rules adopted under
1-28 Subsection (d) or a report that alleges serious physical or sexual
1-29 abuse of a child. Immediately on receipt of a report described by
1-30 this subsection, the department shall notify the appropriate local
1-31 law enforcement agency of the report.

1-32 SECTION 2. Article 2.27, Code of Criminal Procedure, is
1-33 amended to read as follows:

1-34 Art. 2.27. INVESTIGATION OF CERTAIN REPORTS ALLEGING CHILD
1-35 ABUSE. On receipt of a report that is assigned the highest priority
1-36 in accordance with rules adopted by the Department of Protective
1-37 and Regulatory Services under Section 261.301(d), Family Code, or
1-38 any other report that alleges ~~[alleging]~~ serious physical or sexual
1-39 abuse of a child by a person responsible for the care, custody, or
1-40 welfare of the child, a peace officer ~~[an investigator]~~ from the
1-41 appropriate local law enforcement agency shall investigate the
1-42 report jointly with the department ~~[Department of Protective and~~
1-43 ~~Regulatory Services]~~ or with the agency responsible for conducting
1-44 an investigation under Subchapter E, Chapter 261, Family Code. As
1-45 soon as possible after being notified by the department of the
1-46 report, but not later than 24 hours after being notified, the peace
1-47 officer shall accompany the department investigator in initially
1-48 responding to the report.

1-49 SECTION 3. This Act takes effect September 1, 2003, and
1-50 applies only to the investigation of a report of child abuse or
1-51 neglect made on or after that date. The investigation of a report
1-52 of child abuse or neglect made before the effective date of this Act
1-53 is governed by the law in effect on the date the report was made, and
1-54 the former law is continued in effect for that purpose.

1-55 * * * * *