

BILL ANALYSIS

H.B. 1129
By: Talton
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law provides a civil recourse for a custodial parent in situations in which a non-custodial parent does not return or impairs the return of a child from a visitation period. This provision, however, does not address a situation in which a custodial parent does not comply with court ordered possession of or access to the child. Custodial parents may take advantage of the lack of enforcement in the possession and access orders rendered in the family court system and move a child into another geographic region without notifying the other parent.

House Bill 1129 provides that a person commits an offense if the person takes or retains a child without permission of the court and with the intent to deprive another conservator of the possession of or access to the child.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 1129 amends Section 25.03, Penal Code, to modify provisions relating to the prosecution of the offense of interference with child custody. The bill provides that a person commits an offense if the person takes or retains a child younger than 18 years of age when the person has been appointed the managing or possessory conservator of the child and, without permission of the court and with the intent to deprive another conservator of the child of possession of or access to the child, changes the physical residence of the child without notifying the other conservator of the child's new address and any other information necessary for possession of or access to the child. The bill also provides a defense to prosecution if the managing conservator, using due diligence and reasonable methods of communication, attempted to provide the other managing or possessory conservator of the child with the necessary information.

EFFECTIVE DATE

September 1, 2005.