

## **BILL ANALYSIS**

H.B. 776  
By: Dutton  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Peace officers do not have the clear authority to transfer a juvenile who is taken into custody for a minor offense, such as a curfew violation, from the location of the arrest back to their assigned school during school hours. It is often difficult to locate a parent or guardian during school hours because the parents or guardians are at work. The child can be left with a responsible adult, but the adult must promise to bring the child before the juvenile court as requested. The alternative is to take the child to a detention center, which may not be in the best interest of a juvenile who has been detained for a minor offense.

H.B.776 would allow a peace officer to return a child to the school campus where he or she is enrolled during school hours if the school principal or a peace officer assigned to the school campus agrees to assume responsibility for 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**

**SECTION 1.** Amends Section 52.02 of the Family Code by adding subsection (7) to provide that if school is in session and the child is a student, a peace officer may also bring the child to the school campus to which the child is assigned if the principal, the principal's designee, or a peace officer assigned to the campus agrees to assume responsibility for the child for the remainder of the school day.

**SECTION 2.** This Act takes effect September 1, 2007.

### **EFFECTIVE DATE**

September 1, 2007.