

By: Martinez

H.B. No. 95

A BILL TO BE ENTITLED

1

AN ACT

2 relating to interference with child custody in violation of a  
3 temporary child custody order; imposing a criminal penalty.

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

5 SECTION 1. Section 25.03(a), Penal Code, is amended to read  
6 as follows:

7 (a) A person commits an offense if the person takes or  
8 retains a child younger than 18 years when the person:

9 (1) knows that the person's taking or retention  
10 violates the express terms of a judgment or order, including a  
11 temporary order, of a court disposing of the child's custody; or

12 (2) has not been awarded custody of the child by a  
13 court of competent jurisdiction, knows that a suit for divorce or a  
14 civil suit or application for habeas corpus to dispose of the  
15 child's custody has been filed, and takes the child out of the  
16 geographic area of the counties composing the judicial district if  
17 the court is a district court or the county if the court is a  
18 statutory county court, without the permission of the court and  
19 with the intent to deprive the court of authority over the child.

20 SECTION 2. Section 25.031(a), Penal Code, is amended to  
21 read as follows:

22 (a) A person commits an offense if the person agrees, for  
23 remuneration or the promise of remuneration, to abduct a child  
24 younger than 18 years of age by force, threat of force,

1 misrepresentation, stealth, or unlawful entry, knowing that the  
2 child is under the care and control of a person having custody or  
3 physical possession of the child under a court order, including a  
4 temporary order, or under the care and control of another person who  
5 is exercising care and control with the consent of a person having  
6 custody or physical possession under a court order, including a  
7 temporary order.

8           SECTION 3. The change in law made by this Act applies only  
9 to an offense committed on or after the effective date of this Act.  
10 An offense committed before the effective date of this Act is  
11 governed by the law in effect when the offense was committed, and  
12 the former law is continued in effect for that purpose. For  
13 purposes of this section, an offense was committed before the  
14 effective date of this Act if any element of the offense was  
15 committed before that date.

16           SECTION 4. This Act takes effect September 1, 2007.