

1-1 By: Martinez (Senate Sponsor - Hinojosa) H.B. No. 95  
1-2 (In the Senate - Received from the House April 18, 2007;  
1-3 April 19, 2007, read first time and referred to Committee on  
1-4 Jurisprudence; May 10, 2007, reported favorably by the following  
1-5 vote: Yeas 4, Nays 0; May 10, 2007, sent to printer.)

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

1-8 relating to interference with child custody in violation of a  
1-9 temporary child custody order; imposing a criminal penalty.

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

1-11 SECTION 1. Section 25.03(a), Penal Code, is amended to read  
1-12 as follows:

1-13 (a) A person commits an offense if the person takes or  
1-14 retains a child younger than 18 years when the person:

1-15 (1) knows that the person's taking or retention  
1-16 violates the express terms of a judgment or order, including a  
1-17 temporary order, of a court disposing of the child's custody; or

1-18 (2) has not been awarded custody of the child by a  
1-19 court of competent jurisdiction, knows that a suit for divorce or a  
1-20 civil suit or application for habeas corpus to dispose of the  
1-21 child's custody has been filed, and takes the child out of the  
1-22 geographic area of the counties composing the judicial district if  
1-23 the court is a district court or the county if the court is a  
1-24 statutory county court, without the permission of the court and  
1-25 with the intent to deprive the court of authority over the child.

1-26 SECTION 2. Section 25.031(a), Penal Code, is amended to  
1-27 read as follows:

1-28 (a) A person commits an offense if the person agrees, for  
1-29 remuneration or the promise of remuneration, to abduct a child  
1-30 younger than 18 years of age by force, threat of force,  
1-31 misrepresentation, stealth, or unlawful entry, knowing that the  
1-32 child is under the care and control of a person having custody or  
1-33 physical possession of the child under a court order, including a  
1-34 temporary order, or under the care and control of another person who  
1-35 is exercising care and control with the consent of a person having  
1-36 custody or physical possession under a court order, including a  
1-37 temporary order.

1-38 SECTION 3. The change in law made by this Act applies only  
1-39 to an offense committed on or after the effective date of this Act.  
1-40 An offense committed before the effective date of this Act is  
1-41 governed by the law in effect when the offense was committed, and  
1-42 the former law is continued in effect for that purpose. For  
1-43 purposes of this section, an offense was committed before the  
1-44 effective date of this Act if any element of the offense was  
1-45 committed before that date.

1-46 SECTION 4. This Act takes effect September 1, 2007.

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