

AN ACT

relating to the delivery of a child taken into custody under the juvenile justice system to a school official.

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

SECTION 1. Section 52.02(a), Family Code, is amended to read as follows:

(a) Except as provided by Subsection (c), a person taking a child into custody, without unnecessary delay and without first taking the child to any place other than a juvenile processing office designated under Section 52.025, shall do one of the following:

(1) release the child to a parent, guardian, custodian of the child, or other responsible adult upon that person's promise to bring the child before the juvenile court as requested by the court;

(2) bring the child before the office or official designated by the juvenile board if there is probable cause to believe that the child engaged in delinquent conduct, conduct indicating a need for supervision, or conduct that violates a condition of probation imposed by the juvenile court;

(3) bring the child to a detention facility designated by the juvenile board;

(4) bring the child to a secure detention facility as provided by Section 51.12(j);

1           (5) bring the child to a medical facility if the child  
2 is believed to suffer from a serious physical condition or illness  
3 that requires prompt treatment; [~~or~~]

4           (6) dispose of the case under Section 52.03; or

5           (7) if school is in session and the child is a student,  
6 bring the child to the school campus to which the child is assigned  
7 if the principal, the principal's designee, or a peace officer  
8 assigned to the campus agrees to assume responsibility for the  
9 child for the remainder of the school day.

10           SECTION 2. Section 52.026(a), Family Code, is amended to  
11 read as follows:

12           (a) It shall be the duty of the law enforcement officer who  
13 has taken a child into custody to transport the child to the  
14 appropriate detention facility or to the school campus to which the  
15 child is assigned as provided by Section 52.02(a)(7) if the child is  
16 not released to the parent, guardian, or custodian of the child.

17           SECTION 3. This Act takes effect September 1, 2007.

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 776 was passed by the House on April 4, 2007, by the following vote: Yeas 142, Nays 1, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 776 on May 17, 2007, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

---

Chief Clerk of the House

I certify that H.B. No. 776 was passed by the Senate, with amendments, on May 15, 2007, by the following vote: Yeas 31, Nays 0.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor