

1-1 By: Dutton (Senate Sponsor - Janek) H.B. No. 776
1-2 (In the Senate - Received from the House April 10, 2007;
1-3 April 11, 2007, read first time and referred to Committee on
1-4 Jurisprudence; May 4, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 May 4, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 776 By: Wentworth

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the delivery of a child taken into custody under the
1-11 juvenile justice system to a school official.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 52.02(a), Family Code, is amended to
1-14 read as follows:

1-15 (a) Except as provided by Subsection (c), a person taking a
1-16 child into custody, without unnecessary delay and without first
1-17 taking the child to any place other than a juvenile processing
1-18 office designated under Section 52.025, shall do one of the
1-19 following:

1-20 (1) release the child to a parent, guardian, custodian
1-21 of the child, or other responsible adult upon that person's promise
1-22 to bring the child before the juvenile court as requested by the
1-23 court;

1-24 (2) bring the child before the office or official
1-25 designated by the juvenile board if there is probable cause to
1-26 believe that the child engaged in delinquent conduct, conduct
1-27 indicating a need for supervision, or conduct that violates a
1-28 condition of probation imposed by the juvenile court;

1-29 (3) bring the child to a detention facility designated
1-30 by the juvenile board;

1-31 (4) bring the child to a secure detention facility as
1-32 provided by Section 51.12(j);

1-33 (5) bring the child to a medical facility if the child
1-34 is believed to suffer from a serious physical condition or illness
1-35 that requires prompt treatment; ~~or~~

1-36 (6) dispose of the case under Section 52.03; or

1-37 (7) if school is in session and the child is a student,
1-38 bring the child to the school campus to which the child is assigned
1-39 if the principal, the principal's designee, or a peace officer
1-40 assigned to the campus agrees to assume responsibility for the
1-41 child for the remainder of the school day.

1-42 SECTION 2. Section 52.026(a), Family Code, is amended to
1-43 read as follows:

1-44 (a) It shall be the duty of the law enforcement officer who
1-45 has taken a child into custody to transport the child to the
1-46 appropriate detention facility or to the school campus to which the
1-47 child is assigned as provided by Section 52.02(a)(7) if the child is
1-48 not released to the parent, guardian, or custodian of the child.

1-49 SECTION 3. This Act takes effect September 1, 2007.

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