

By: Carona

S.B. No. 587

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the detention of a child who is alleged to have engaged
3 in conduct violating a penal law of the grade of felony.

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

5 SECTION 1. Section 53.02, Family Code, is amended by
6 amending Subsections (a) and (b) and adding Subsection (g) to read
7 as follows:

8 (a) If a child is brought before the court or delivered to a
9 detention facility as authorized by Sections 51.12(a)(3) and (4),
10 the intake or other authorized officer of the court shall
11 immediately make an investigation and shall release the child
12 unless it appears that his detention is warranted under Subsection
13 (b). The release may be conditioned upon requirements reasonably
14 necessary to insure the child's appearance at later proceedings,
15 but the conditions of the release must be in writing and filed with
16 the office or official designated by the court and a copy furnished
17 to the child. As provided by Subsection (g), an intake or other
18 authorized officer of the court may not release a child who is
19 alleged to have engaged in conduct violating a penal law of the
20 grade of felony until a detention hearing is held as required by
21 Section 54.01.

22 (b) A child taken into custody may be detained prior to
23 hearing on the petition only if:

24 (1) the child is likely to abscond or be removed from

1 the jurisdiction of the court;

2 (2) suitable supervision, care, or protection for the
3 child is not being provided by a parent, guardian, custodian, or
4 other person;

5 (3) the child has no parent, guardian, custodian, or
6 other person able to return the child to the court when required;

7 (4) the child may be dangerous to himself or herself or
8 the child may threaten the safety of the public if released;

9 (5) the child has previously been found to be a
10 delinquent child or has previously been convicted of a penal
11 offense punishable by a term in jail or prison and is likely to
12 commit an offense if released; or

13 (6) the child's detention is required under Subsection
14 (f) or (g).

15 (g) A child who is alleged to have engaged in conduct
16 violating a penal law of the grade of felony shall be detained until
17 a detention hearing is held as required by Section 54.01.

18 SECTION 2. The change in law made by this Act applies only
19 to a child taken into custody on or after the effective date of this
20 Act.

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