

SENATE AMENDMENTS

2nd Printing

By: Dutton

H.B. No. 776

A BILL TO BE ENTITLED

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. This Act takes effect September 1, 2007.

ADOPTED

MAY 15 2007

Letty Spaw
Secretary of the Senate

By: *Kepler*

H.B. No. 776

Substitute the following for H.B. No. 776:

By: *Wentworth*

C.S. H.B. No. 776

A BILL TO BE ENTITLED

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3 juvenile justice system to a school official.

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

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8 child into custody, without unnecessary delay and without first
9 taking the child to any place other than a juvenile processing
10 office designated under Section 52.025, shall do one of the
11 following:

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

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

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

23 (4) bring the child to a secure detention facility as
24 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.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 3, 2007

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB776** by Dutton (Relating to the delivery of a child taken into custody under the juvenile justice system to a school official.) **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend Family Code, Section 52.02 by adding the provision that a person taking a child into custody may bring the child to the school campus to which the child is assigned if school is in session and the principal, the principal's designee or a peace officer assigned to the campus agrees to assume responsibility for the child the remainder of the school day. Section 52.026 (a) would be amended to add this option for law enforcement. The bill would take effect September 1, 2007.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, MN, GG, AI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 30, 2007

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB776** by Dutton (Relating to the delivery of a child taken into custody under the juvenile justice system to a school official.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend Family Code, Section 52.02(a) by adding the provision that a person taking a child into custody may bring the child to the school campus to which the child is assigned if school is in session and the principal, the principal's designee or a peace officer assigned to the campus agrees to assume responsibility for the child the remainder of the school day. The Juvenile Probation Commission reports no fiscal impact if this bill is enacted.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 665 Juvenile Probation Commission

LBB Staff: JOB, MN, GG, AI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 2, 2007

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB776** by Dutton (Relating to the delivery of a child taken into custody under the juvenile justice system to a school official.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend Family Code, Section 52.02(a) by adding the provision that a person taking a child into custody may bring the child to the school campus to which the child is assigned if school is in session and the principal, the principal's designee or a peace officer assigned to the campus agrees to assume responsibility for the child the remainder of the school day. The Juvenile Probation Commission reports no fiscal impact if this bill is enacted.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 665 Juvenile Probation Commission

LBB Staff: JOB, MN, GG, AI

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

80TH LEGISLATIVE REGULAR SESSION

May 3, 2007

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB776 by Dutton (Relating to the delivery of a child taken into custody under the juvenile justice system to a school official.), **Committee Report 2nd House, Substituted**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes, or to juveniles who have been adjudicated for misdemeanor or felony conduct.

Source Agencies:

LBB Staff: JOB, GG

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

CRIMINAL JUSTICE IMPACT STATEMENT

80TH LEGISLATIVE REGULAR SESSION

April 30, 2007

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB776 by Dutton (Relating to the delivery of a child taken into custody under the juvenile justice system to a school official.), **As Engrossed**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes, or to juveniles who have been adjudicated for misdemeanor or felony conduct.

Source Agencies:

LBB Staff: JOB, GG

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

80TH LEGISLATIVE REGULAR SESSION

March 6, 2007

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB776** by Dutton (Relating to the delivery of a child taken into custody under the juvenile justice system to a school official.), **As Introduced**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes, or to juveniles who have been adjudicated for misdemeanor or felony conduct.

Source Agencies:

LBB Staff: JOB, GG