

BILL ANALYSIS

H.B. 2374
By: Gallego
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are reports that organized crime groups have begun to use minors for the purpose of engaging in illegal activities. Interested parties note that this problem is pronounced along the U.S.-Mexico border where minors are directed by these groups to cross the border into the United States illegally while carrying drugs, weapons, or other illicit material.

Law enforcement officials are required to first take an alleged juvenile offender to a designated juvenile processing office before releasing the child to a parent, guardian, custodian, school, or medical or detention facility, depending on the circumstance. The parties note that legislation is necessary to address law enforcement officials' need to adequately record and process alleged criminal activity, particularly along the border, when taking a child to a juvenile processing office is not possible or feasible in a timely manner. H.B. 2374 seeks to address these matters.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2374 amends the Code of Criminal Procedure to authorize a person who is younger than 17 years of age and lawfully taken into custody by a federal law enforcement officer in Texas, or by a law enforcement officer of another state in that state, to be detained, interviewed, and otherwise processed under, as applicable, federal law or the laws of the other state. The bill specifies that such person is not considered to be in custody for the purposes of provisions of law relating to an arrest without a warrant or proceedings before and including referral to juvenile court until the person has been released to a person or brought to a person or facility in the manner required by Family Code provisions.

H.B. 2374 amends the Family Code to make the bill's provisions an exception to the requirements of taking a child into custody and releasing the child or delivering the child to court.

EFFECTIVE DATE

September 1, 2011.