

BILL ANALYSIS

H.B. 2662
By: Hochberg
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In Texas, it is unlawful under certain circumstances for a parent to take or retain a child against the terms of a custody-related court order or while such an order is pending. However, interested parties note that under the current system, if a parent is still married to a child's other parent and no custody order is in place or in process, the parent may take the child without violating any Texas law, leaving the other parent with limited options in looking for the child.

H.B. 2662 seeks to remedy this situation by changing the statutory definition of a missing child.

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. 2662 amends the Code of Criminal Procedure to include in the definition of "missing child," for purposes of provisions of law relating to missing children and missing persons, a child whose whereabouts are unknown to the child's legal guardian, the circumstances of whose absence indicate that the child is taken or retained, depriving a legal custodian of custodial rights without the permission of that custodian, unless the taking or retention of the child was prompted by the commission or attempted commission of family violence against the child or the actor.

EFFECTIVE DATE

September 1, 2011.