

By: Gallego

H.B. No. 2374

A BILL TO BE ENTITLED

AN ACT

relating to the taking of children into custody by certain law enforcement officers.

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

SECTION 1. Chapter 14, Code of Criminal Procedure, is amended by adding Article 14.07 to read as follows:

Art. 14.07. EXTRAJURISDICTIONAL APPREHENSION OF CHILD. A person who is younger than 17 years of age who is lawfully taken into custody by a federal law enforcement officer in this state, or by a law enforcement officer of another state in that state:

(1) may be detained, interviewed, and otherwise processed under, as applicable, federal law or the laws of the other state; and

(2) is not considered to be in custody for the purposes of this chapter or Chapter 52, Family Code, until the person has been released to a person or brought to a person or facility in the manner required by Section 52.02, Family Code.

SECTION 2. Section 52.02(a), Family Code, is amended to read as follows:

(a) Except as provided by Subsection (c) and Article 14.07, Code of Criminal Procedure, 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           (1) release the child to a parent, guardian, custodian  
2 of the child, or other responsible adult upon that person's promise  
3 to bring the child before the juvenile court as requested by the  
4 court;

5           (2) bring the child before the office or official  
6 designated by the juvenile board if there is probable cause to  
7 believe that the child engaged in delinquent conduct, conduct  
8 indicating a need for supervision, or conduct that violates a  
9 condition of probation imposed by the juvenile court;

10          (3) bring the child to a detention facility designated  
11 by the juvenile board;

12          (4) bring the child to a secure detention facility as  
13 provided by Section 51.12(j);

14          (5) bring the child to a medical facility if the child  
15 is believed to suffer from a serious physical condition or illness  
16 that requires prompt treatment;

17          (6) dispose of the case under Section 52.03; or

18          (7) if school is in session and the child is a student,  
19 bring the child to the school campus to which the child is assigned  
20 if the principal, the principal's designee, or a peace officer  
21 assigned to the campus agrees to assume responsibility for the  
22 child for the remainder of the school day.

23          SECTION 3. The change in law made by this Act applies only  
24 to a child taken into custody on or after the effective date of this  
25 Act. A child taken into custody before the effective date of this  
26 Act is governed by the law in effect on the date that the child was  
27 taken into custody, and the former law is continued in effect for

1 that purpose.

2 SECTION 4. This Act takes effect September 1, 2011.