

1-1 By: Hochberg, Parker, Gallego H.B. No. 2662  
1-2 (Senate Sponsor - Hinojosa)  
1-3 (In the Senate - Received from the House April 26, 2011;  
1-4 April 29, 2011, read first time and referred to Committee on  
1-5 Criminal Justice; May 20, 2011, reported adversely, with favorable  
1-6 Committee Substitute by the following vote: Yeas 7, Nays 0;  
1-7 May 20, 2011, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 2662 By: Ellis

1-9 A BILL TO BE ENTITLED  
1-10 AN ACT

1-11 relating to the criteria for determining whether a child is a  
1-12 missing child.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Article 63.001(3), Code of Criminal Procedure,  
1-15 is amended to read as follows:

1-16 (3) "Missing child" means a child whose whereabouts  
1-17 are unknown to the child's legal custodian, the circumstances of  
1-18 whose absence indicate that:

1-19 (A) the child did not voluntarily leave the care  
1-20 and control of the custodian, and the taking of the child was not  
1-21 authorized by law;

1-22 (B) the child voluntarily left the care and  
1-23 control of the [~~his legal~~] custodian without the custodian's  
1-24 consent and without intent to return; [~~or~~]

1-25 (C) the child was taken or retained in violation  
1-26 of the terms of a court order for possession of or access to the  
1-27 child; or

1-28 (D) the child was taken or retained without the  
1-29 permission of the custodian and with the effect of depriving the  
1-30 custodian of possession of or access to the child unless the taking  
1-31 or retention of the child was prompted by the commission or  
1-32 attempted commission of family violence, as defined by Section  
1-33 71.004, Family Code, against the child or the actor.

1-34 SECTION 2. The change in law made by this Act in amending  
1-35 Article 63.001(3), Code of Criminal Procedure, applies only to the  
1-36 report of a missing child made under Chapter 63, Code of Criminal  
1-37 Procedure, as amended by this Act, on or after the effective date of  
1-38 this Act. The report of a missing child made before the effective  
1-39 date of this Act is governed by the law in effect when the report was  
1-40 made, and the former law is continued in effect for that purpose.

1-41 SECTION 3. This Act takes effect September 1, 2011.

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