

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Hochberg, Parker, Gallego

H.B. No. 2662

A BILL TO BE ENTITLED

AN ACT

relating to child abduction.

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

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

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

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

(B) the child voluntarily left the care and control of his legal custodian without the custodian's consent and without intent to return; ~~or~~

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

(D) the child is taken or retained, depriving a legal custodian of his 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, as defined by Section 71.004, Family Code, against the child or the actor.

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

**ADOPTED**

MAY 25 2011

*Atty. Gen. Spaw*  
Secretary of the Senate

By: Rep. Hochberg

\_\_\_B. No. 2662

Substitute the following for \_\_\_B. No. \_\_\_\_\_:

By: Robyn Ellis

C.S. \_\_\_B. No. \_\_\_\_\_

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the criteria for determining whether a child is a  
3 missing child.

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

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

7 (3) "Missing child" means a child whose whereabouts  
8 are unknown to the child's legal custodian, the circumstances of  
9 whose absence indicate that:

10 (A) the child did not voluntarily leave the care  
11 and control of the custodian, and the taking of the child was not  
12 authorized by law;

13 (B) the child voluntarily left the care and  
14 control of the [~~his legal~~] custodian without the custodian's  
15 consent and without intent to return; [~~or~~]

16 (C) the child was taken or retained in violation  
17 of the terms of a court order for possession of or access to the  
18 child; or

19 (D) the child was taken or retained without the  
20 permission of the custodian and with the effect of depriving the  
21 custodian of possession of or access to the child unless the taking  
22 or retention of the child was prompted by the commission or  
23 attempted commission of family violence, as defined by Section  
24 71.004, Family Code, against the child or the actor.

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

8           SECTION 3. This Act takes effect September 1, 2011.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 26, 2011**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

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

**IN RE: HB2662** by Hochberg (Relating to the criteria for determining whether a child is a missing child.), As **Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the definition of "missing child" in the Code of Criminal Procedure to indicate a child is not missing if the child is taken or retained without the permission of the legal custodian, if the taking is prompted by the commission or attempted commission of family violence against the child or actor. The bill would take effect September 1, 2011. The Department of Public Safety and the Department of Family and Protective Services anticipate no significant fiscal impact to the state.

**Local Government Impact**

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

**Source Agencies:** 405 Department of Public Safety, 530 Family and Protective Services, Department of  
**LBB Staff:** JOB, SD, ESi, GG

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 19, 2011**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

**IN RE: HB2662** by Hochberg (Relating to the criteria for determining whether a child is a missing child. ), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the definition of "missing child" in the Code of Criminal Procedure to indicate a child is not missing if the child is taken or retained without the permission of the legal custodian, if the taking is prompted by the commission or attempted commission of family violence against the child or actor. The bill would take effect September 1, 2011. The Department of Public Safety and the Department of Family and Protective Services anticipate no significant fiscal impact to the state.

**Local Government Impact**

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

**Source Agencies:** 405 Department of Public Safety, 530 Family and Protective Services, Department of

**LBB Staff:** JOB, ESi, GG

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 13, 2011**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

**IN RE: HB2662** by Hochberg (Relating to child abduction.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the definition of "missing child" in the Code of Criminal Procedure to indicate a child is not missing if the child is taken or retained without the permission of the legal custodian, if the taking is prompted by the commission or attempted commission of family violence against the child or actor. The bill would take effect September 1, 2011. The Department of Public Safety and the Department of Family and Protective Services anticipate no significant fiscal impact to the state.

**Local Government Impact**

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

**Source Agencies:** 405 Department of Public Safety, 530 Family and Protective Services, Department of  
**LBB Staff:** JOB, ESi, GG

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**March 27, 2011**

**TO:** Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

**IN RE: HB2662** by Hochberg (Relating to child abduction.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the definition of "missing child" in the Code of Criminal Procedure to indicate a child is not missing if the child is taken or retained without the permission of the legal custodian, if the taking is prompted by the commission or attempted commission of family violence against the child or actor. The bill would take effect September 1, 2011. The Department of Public Safety and the Department of Family and Protective Services anticipate no significant fiscal impact to the state.

**Local Government Impact**

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

**Source Agencies:** 405 Department of Public Safety, 530 Family and Protective Services, Department of

**LBB Staff:** JOB, ESi, GG