

House Bill 2662
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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; [ø]

(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.

No equivalent provision.

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

SENATE VERSION (CS)

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 **the [his legal]** custodian without the custodian's consent and without intent to return; [ø]

(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 was taken or retained without the permission of the custodian and with the effect of depriving the custodian of possession of or access to the child 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. The change in law made by this Act in amending Article 63.001(3), Code of Criminal Procedure, applies only to the report of a missing child made under Chapter 63, Code of Criminal Procedure, as amended by this Act, on or after the effective date of this Act. The report of a missing child made before the effective date of this Act is governed by the law in effect when the report was made, and the former law is continued in effect for that purpose.

SECTION 3. Same as House version.

CONFERENCE