

By: Huberty

H.B. No. 2793

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to detention of juveniles accused only of running away  
3 from home.

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

5 SECTION 1. Section 51.12, Family Code, is amended by adding  
6 Subsection (j-2) to read as follows:

7 (j-2) Notwithstanding any other provision of law, a child  
8 who is accused only of conduct indicating a need for supervision  
9 under Section 51.03(b)(3) may not be detained in a secure detention  
10 facility for any period of time.

11 SECTION 2. Section 52.02, Family Code, is amended by  
12 amending Subsection (a) and adding Subsection (a-1) to read as  
13 follows:

14 (a) Except as provided by Subsection (c), a person taking a  
15 child into custody, without unnecessary delay and without first  
16 taking the child to any place other than a juvenile processing  
17 office designated under Section 52.025, shall do one of the  
18 following:

19 (1) release the child to a parent, guardian, custodian  
20 of the child, or other responsible adult upon that person's promise  
21 to bring the child before the juvenile court as requested by the  
22 court;

23 (2) bring the child before the office or official  
24 designated by the juvenile board if there is probable cause to

1 believe that the child engaged in delinquent conduct, conduct  
2 indicating a need for supervision, or conduct that violates a  
3 condition of probation imposed by the juvenile court;

4 (3) bring the child to a detention facility designated  
5 by the juvenile board, unless the child is accused only of conduct  
6 indicating a need for supervision under Section 51.03(b)(3);

7 (4) bring the child to a secure detention facility as  
8 provided by Section 51.12(j), unless the child is accused only of  
9 conduct indicating a need for supervision under Section  
10 51.03(b)(3);

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

14 (6) dispose of the case under Section 52.03; [~~or~~]

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

20 (8) if the child is accused only of conduct indicating  
21 a need for supervision under Section 51.03(b)(3):

22 (A) bring the child to a place of nonsecure  
23 custody in compliance with Articles 45.058(c), (d), and (e), Code  
24 of Criminal Procedure; or

25 (B) if a juvenile processing office or place of  
26 nonsecure custody is not available, bring the child to a nonsecure  
27 correctional facility that meets the conditions of Sections

1 51.12(j-1)(1), (3), and (4).

2 (a-1) A child brought to a place of nonsecure custody under  
3 Subsection (a)(8)(A) may remain at that location for not more than  
4 six hours. At the conclusion of that period, the child must be  
5 released under Subsection (a)(1) or brought to a nonsecure  
6 correctional facility described by Subsection (a)(8)(B).

7 SECTION 3. Section 54.011, Family Code, is amended by  
8 amending Subsection (a) and adding Subsection (a-1) to read as  
9 follows:

10 (a) Except as provided by Subsection (a-1), the [The]  
11 detention hearing for a status offender or nonoffender who has not  
12 been released administratively under Section 53.02 shall be held  
13 before the 24th hour after the time the child arrived at a detention  
14 facility, excluding hours of a weekend or a holiday. Except as  
15 otherwise provided by this section, the judge or referee conducting  
16 the detention hearing shall release the status offender or  
17 nonoffender from secure detention.

18 (a-1) If a child is accused only of conduct indicating a  
19 need for supervision under Section 51.03(b)(3), the child may not  
20 be detained at a place of detention for longer than 24 hours after  
21 the time the child arrived at the place of detention. If the child  
22 is not released before the sixth hour after the time the child was  
23 taken into custody, the child shall be transferred to a nonsecure  
24 correctional facility. If the child is not released from detention  
25 before the 24th hour after the time the child was taken into  
26 custody, the child is entitled to a detention hearing that must be  
27 held as soon as practicable. Except as otherwise provided by this

1 section, the judge or referee conducting the detention hearing  
2 shall release the child from detention.

3         SECTION 4. This Act applies only to conduct that occurs on  
4 or after the effective date of this Act. Conduct that occurs before  
5 the effective date of this Act is governed by the law in effect at  
6 the time the conduct occurred, and the former law is continued in  
7 effect for that purpose. For the purposes of this section, conduct  
8 occurs before the effective date of this Act if any element of the  
9 conduct occurred before that date.

10         SECTION 5. This Act takes effect September 1, 2015.