

BILL ANALYSIS

S.B. 1571
By: Huffman
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that law enforcement would benefit from clear guidelines regarding the release of a minor the officer took possession of in an emergency without a court order. S.B. 1571 seeks to provide such guidelines.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1571 amends the Code of Criminal Procedure to authorize a law enforcement officer who takes possession of a child in an emergency without a court order to release the child to a residential child-care facility licensed by the Department of Family and Protective Services (DFPS) if the facility is authorized by DFPS to take possession of the child, a juvenile probation department, DFPS, or any other person authorized by law to take possession of the child. The bill requires an officer, before releasing a child to a person authorized by law to take possession of the child other than a governmental entity, to do the following: verify with the National Crime Information Center that the child is not a missing child; search the relevant databases of the National Crime Information Center system to verify that the person to whom the child is being released does not have an outstanding warrant, does not have a protective order issued against the person, and is not registered as a sex offender unless the person is the child's parent or guardian and there are no restrictions regarding the person's contact with the child and to obtain any other information DFPS considers relevant to protect the welfare of the child or reflective of the responsibility of the person to whom the child is being released; call the DFPS Texas Abuse Hotline to determine whether the person to whom the child is being released is listed in the registry as a person who abused or neglected a child; verify that the person to whom the child is being released is at least 18 years of age; and maintain a record regarding the child's placement.

EFFECTIVE DATE

September 1, 2017.