

By: Parker

H.B. No. 834

A BILL TO BE ENTITLED

AN ACT

1
2 relating to prohibiting certain actions regarding the rehoming of
3 an adopted child; creating a criminal offense.

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

5 SECTION 1. Subchapter A, Chapter 162, Family Code, is
6 amended by adding Section 162.026 to read as follows:

7 Sec. 162.026. UNAUTHORIZED REHOMING OF ADOPTED CHILD;
8 OFFENSE. (a) In this section, "rehome" means the placement of an
9 adopted child in the permanent physical custody of a person who is
10 not the child's relative without prior court approval or the
11 termination of the parent-child relationship.

12 (b) Except as otherwise provided by this section, a person
13 commits an offense if the person knowingly:

14 (1) rehomes an adopted child; or

15 (2) facilitates or participates in the rehoming of an
16 adopted child, including by transferring, recruiting, harboring,
17 transporting, providing, soliciting, or obtaining an adopted child
18 for that purpose.

19 (c) An offense under this section is a felony of the third
20 degree, except that the offense is a felony of the second degree if
21 the actor commits the offense with intent to commit an offense under
22 Section 20A.02, 43.02, 43.05, or 43.25, Penal Code.

23 (d) This section does not apply to:

24 (1) the placement of an adopted child with a

1 stepparent, a licensed child-placing agency, or the Department of
2 Family and Protective Services;

3 (2) the placement of an adopted child by a licensed
4 child-placing agency or the Department of Family and Protective
5 Services;

6 (3) the temporary placement of an adopted child by the
7 child's parent, managing conservator, or guardian for a designated
8 short-term period with a specified intent and period for return of
9 the child due to temporary circumstances, including:

10 (A) a vacation;

11 (B) a school-sponsored function or activity; or

12 (C) the incarceration, military service, medical
13 treatment, or incapacity of the parent, managing conservator, or
14 guardian;

15 (4) the placement of an adopted child in another state
16 in accordance with the requirements of Subchapter B; or

17 (5) the voluntary delivery of an adopted child under
18 Subchapter D, Chapter 262.

19 (e) The Department of Family and Protective Services shall
20 collaborate with local law enforcement to monitor and gather
21 information on investigations and prosecutions under this section.

22 SECTION 2. Section 25.09(a), Penal Code, is amended to read
23 as follows:

24 (a) A person commits an offense if the person advertises in
25 the public media that the person will:

26 (1) place a child for adoption;

27 (2) [~~or will~~] provide or obtain a child for adoption;

1 or

2 (3) rehome an adopted child.

3 SECTION 3. Section 25.09(d), Penal Code, is amended by
4 adding Subdivision (3) to read as follows:

5 (3) "Rehome" has the meaning assigned by Section
6 162.026, Family Code.

7 SECTION 4. The change in law made by this Act to Section
8 25.09, Penal Code, applies only to an offense committed on or after
9 the effective date of this Act. An offense committed before the
10 effective date of this Act is governed by the law in effect on the
11 date the offense was committed, and the former law is continued in
12 effect for that purpose. For purposes of this section, an offense
13 was committed before the effective date of this Act if any element
14 of the offense was committed before that date.

15 SECTION 5. This Act takes effect September 1, 2017.