

By: Frullo

H.B. No. 4013

Substitute the following for H.B. No. 4013:

By: Schaefer

C.S.H.B. No. 4013

A BILL TO BE ENTITLED

AN ACT

relating to the release of a child taken into possession by a law enforcement officer.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.273 to read as follows:

Art. 2.273. RELEASE OF CHILD BY LAW ENFORCEMENT OFFICER.

(a) A law enforcement officer who takes possession of a child under Section 262.104, Family Code, may release the child to:

(1) a residential child-care facility licensed by the Department of Family and Protective Services under Chapter 42, Human Resources Code, if the facility is authorized by the department to take possession of the child;

(2) a juvenile probation department;

(3) the Department of Family and Protective Services;

or

(4) any other person authorized by law to take possession of the child.

(b) Before a law enforcement officer may release a child to a person authorized by law to take possession of the child other than a governmental entity, the officer shall:

(1) verify with the National Crime Information Center that the child is not a missing child;

(2) search the relevant databases of the National

Crime Information Center system, including those pertaining to protection orders, historical protection orders, warrants, sex offender registries, and persons on supervised release to:

(A) verify that the person to whom the child is being released:

(i) does not have an outstanding warrant;

(ii) does not have a protective order issued against the person; and

(iii) 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

(B) obtain any other information the Department of Family and Protective Services considers:

(i) relevant to protect the welfare of the child; or

(ii) reflective of the responsibility of the person to whom the child is being released;

(3) call the Department of Family and Protective Services Texas Abuse and Neglect 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;

(4) verify that the person to whom the child is being released is at least 18 years of age; and

(5) maintain a record regarding the child's placement, including:

(A) identifying information about the child, including the child's name or pseudonyms; and

1 (B) the name and address of the person to whom the
2 child is being released.

3 SECTION 2. This Act takes effect September 1, 2017.