

By: Frullo

H.B. No. 4013

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the release of a child taken into possession by a law  
3 enforcement or juvenile probation officer.

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

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

7 Art. 2.273. RELEASE OF CHILD BY LAW ENFORCEMENT OR JUVENILE  
8 PROBATION OFFICER. (a) A law enforcement or juvenile probation  
9 officer who takes possession of a child under Section 262.104,  
10 Family Code, may release the child to:

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

15 (2) a juvenile probation department;

16 (3) the Department of Family and Protective Services;

17 or

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

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

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

1           (2) search the relevant databases of the National  
2 Crime Information Center system, including those pertaining to  
3 protection orders, historical protection orders, warrants, sex  
4 offender registries, and persons on supervised release to:

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

7                   (i) does not have an outstanding warrant;

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

10                   (iii) is not registered as a sex offender;  
11 and

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

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

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

18           (3) search the central registry of reported cases of  
19 child abuse or neglect established under Section 261.002, Family  
20 Code, to determine whether the person to whom the child is being  
21 released is listed in the registry as a person who abused or  
22 neglected a child;

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

25           (5) complete a form prescribed by the Department of  
26 Family and Protective Services that contains information about the  
27 child's placement, including:

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

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

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