

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

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

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

6 (i) does not have a protective order issued  
7 against the person; and

8 (ii) is not registered as a sex offender  
9 unless the person is the child's parent or guardian and there are no  
10 restrictions regarding the person's contact with the child; and

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

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

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

17 (3) call the Department of Family and Protective  
18 Services Texas Abuse Hotline to determine whether the person to  
19 whom the child is being released is listed in the registry as a  
20 person who abused or neglected a child;

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

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

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

27 (B) the name and address of the person to whom the

1 child is being released.

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

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1571 passed the Senate on April 26, 2017, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 26, 2017, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1571 passed the House, with amendment, on May 19, 2017, by the following vote: Yeas 144, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor