

By: White

H.B. No. 1115

Substitute the following for H.B. No. 1115:

By: Allen

C.S.H.B. No. 1115

A BILL TO BE ENTITLED

AN ACT

1
2 relating to law enforcement agency policies regarding the placement
3 of a child taken into possession by a peace officer during a
4 person's arrest and placement information provided to the person.

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

6 SECTION 1. Chapter 2, Code of Criminal Procedure, is
7 amended by adding Article 2.274 to read as follows:

8 Art. 2.274. POLICY REGARDING SAFE PLACEMENT OF CHILD. (a)
9 In this article, "law enforcement agency" has the meaning assigned
10 by Article 2.1386.

11 (b) Each law enforcement agency shall adopt a written policy
12 regarding the safe placement of a child who is in the care, custody,
13 or control of a person at the time the person is arrested. The
14 policy must require that:

15 (1) the arresting peace officer attempt to locate an
16 adult authorized to be in possession of the child to whom the
17 officer may release the child;

18 (2) before releasing the child to an adult located
19 under Subdivision (1), the officer:

20 (A) search the relevant databases of the National
21 Crime Information Center system, including those pertaining to
22 protection orders, historical protection orders, warrants, sex
23 offender registries, and persons on supervised release to verify
24 that the adult:

1 (i) does not have an outstanding warrant;
2 (ii) does not have a protective order
3 issued against the adult;
4 (iii) is not registered as a sex offender
5 unless the person is the child's parent or guardian and there are no
6 restrictions regarding the person's contact with the child; and
7 (iv) has not previously been finally
8 convicted of any felony under Section 20A.03 or 21.02, Penal Code,
9 or listed in Article 42A.054(a); and

10 (B) verify that the adult is at least 18 years of
11 age; and

12 (3) the law enforcement agency periodically inform the
13 arrested person about the care and custody status of the person's
14 child.

15 (c) Each law enforcement agency shall enter into an
16 agreement with the Department of Family and Protective Services
17 that provides the procedures for the law enforcement agency to
18 release a child to the care of the department.

19 SECTION 2. Chapter 493, Government Code, is amended by
20 adding Section 493.032 to read as follows:

21 Sec. 493.032. INFORMATION ABOUT CHILD OF INCARCERATED
22 PARENT. The department shall periodically inform a person who is
23 confined in a facility operated by or under contract with the
24 department and is the parent of a child for whom the Department of
25 Family and Protective Services has been named temporary managing
26 conservator of the care and custody status of the person's child.

27 SECTION 3. Subchapter C, Chapter 40, Human Resources Code,

1 is amended by adding Section 40.074 to read as follows:

2 Sec. 40.074. INFORMATION ABOUT CHILD OF INCARCERATED
3 PARENT. (a) The department shall periodically inform the law
4 enforcement agency that arrested a person who is the parent of a
5 child for whom the department has been named temporary managing
6 conservator of the care and custody status of the person's child.

7 (b) If the law enforcement agency described by Subsection
8 (a) notifies the department that the arrested person is confined in
9 a county jail, the department shall periodically inform the
10 sheriff's office of the county in which the person is confined of
11 the care and custody status of the person's child.

12 (c) If the law enforcement agency described by Subsection
13 (a) notifies the department that the arrested person is confined in
14 a facility operated by or under contract with the Texas Department
15 of Criminal Justice, the department shall periodically inform the
16 Texas Department of Criminal Justice of the care and custody status
17 of the person's child.

18 SECTION 4. Subchapter C, Chapter 351, Local Government
19 Code, is amended by adding Section 351.048 to read as follows:

20 Sec. 351.048. INFORMATION ABOUT CHILD OF INCARCERATED
21 PARENT. The sheriff of a county shall periodically inform a person
22 who is confined in the county jail and is the parent of a child for
23 whom the Department of Family and Protective Services has been
24 named temporary managing conservator of the care and custody status
25 of the person's child.

26 SECTION 5. Not later than June 1, 2020, each law enforcement
27 agency in this state shall adopt the policy and enter into the

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1 agreement required by Article 2.274, Code of Criminal Procedure, as
2 added by this Act.

3 SECTION 6. This Act takes effect September 1, 2019.