

By: White

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 a  
16 competent adult identified by the arrested person 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 and  
6                   (iv) has not previously been finally  
7 convicted of any felony under Section 20A.03 or 21.02, Penal Code,  
8 or listed in Article 42A.054(a);  
9                   (B) contact the Department of Family and  
10 Protective Services to search the central registry of reported  
11 cases of child abuse or neglect established under Section 261.002,  
12 Family Code, to verify that the adult is not listed in the registry  
13 as a person who abused or neglected a child;  
14                   (C) verify that the adult is at least 18 years of  
15 age; and  
16                   (D) complete a form prescribed by the Department  
17 of Family and Protective Services that contains information about  
18 the child's placement, including:  
19                   (i) identifying information about the  
20 child, including the child's name and pseudonyms; and  
21                   (ii) the name and address of the adult;  
22                   (3) if after a reasonable period of time the officer  
23 does not locate a competent adult, the officer release the child to  
24 a representative of the victim services division or other similar  
25 division within the law enforcement agency to arrange the release  
26 of the child to the Department of Family and Protective Services;  
27 and

1           (4) the law enforcement agency periodically inform the  
2 arrested person about the care and custody status of the person's  
3 child.

4           (c) Each law enforcement agency shall enter into an  
5 agreement with the Department of Family and Protective Services  
6 that provides the procedures for the law enforcement agency to  
7 release a child to the care of the department.

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

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

16           SECTION 3. Subchapter C, Chapter 40, Human Resources Code,  
17 is amended by adding Section 40.074 to read as follows:

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

23           (b) If the law enforcement agency described by Subsection  
24 (a) notifies the department that the arrested person is confined in  
25 a county jail, the department shall periodically inform the  
26 sheriff's office of the county in which the person is confined of  
27 the care and custody status of the person's child.

1        (c) If the law enforcement agency described by Subsection  
2 (a) notifies the department that the arrested person is confined in  
3 a facility operated by or under contract with the Texas Department  
4 of Criminal Justice, the department shall periodically inform the  
5 Texas Department of Criminal Justice of the care and custody status  
6 of the person's child.

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

9        Sec. 351.048. INFORMATION ABOUT CHILD OF INCARCERATED  
10 PARENT. The sheriff of a county shall periodically inform a person  
11 who is confined in the county jail and is the parent of a child for  
12 whom the Department of Family and Protective Services has been  
13 named temporary managing conservator of the care and custody status  
14 of the person's child.

15        SECTION 5. Not later than June 1, 2020, each law enforcement  
16 agency in this state shall adopt the policy and enter into the  
17 agreement required by Article 2.274, Code of Criminal Procedure, as  
18 added by this Act.

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