

By: VanDeaver

H.B. No. 1223

Substitute the following for H.B. No. 1223:

By: Murr

C.S.H.B. No. 1223

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation and enforcement of a criminal offense
3 relating to interference with child custody and to the prosecution
4 of child custody offenses.

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. REPORT ON CERTAIN INTERFERENCE WITH CHILD
9 CUSTODY. On receipt of a report of a violation of Section
10 25.03(a-1), Penal Code, a peace officer shall attempt to determine
11 the whereabouts of the child and:

12 (1) if the child's whereabouts are known, locate the
13 child and:

14 (A) return the child to a parent of the child who
15 is listed on the child's birth certificate and whose parental
16 rights have not been terminated; or

17 (B) if the child is the subject of an ongoing
18 investigation by the Department of Family and Protective Services
19 under Chapter 261, Family Code, return the child to or allow the
20 child to remain with the caregiver designated in a parental child
21 safety placement agreement approved by the department under
22 Subchapter L, Chapter 264, of that code; or

23 (2) if the child's whereabouts are unknown, submit a
24 missing child report under Chapter 63.

1 SECTION 2. Section 25.03, Penal Code, is amended by adding
2 Subsections (a-1) and (e) to read as follows:

3 (a-1) A person commits an offense if:

4 (1) the person takes or retains a child younger than 18
5 years of age;

6 (2) the person:

7 (A) is not a parent of the child who is listed on
8 the child's birth certificate; or

9 (B) is a parent of the child whose parental
10 rights have been terminated;

11 (3) there is no judgment or order of a court disposing
12 of the child's custody; and

13 (4) the person knows that the taking or retaining of
14 the child is without the effective consent of or against the
15 expressed wishes of a parent of the child who is listed on the
16 child's birth certificate and whose parental rights have not been
17 terminated.

18 (e) If conduct constituting an offense under this section
19 also constitutes an offense under another section of this code, the
20 actor may be prosecuted under either section or both sections.

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