

By: VanDeaver

H.B. No. 1223

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of a criminal offense relating to  
3 interference with child custody and to the prosecution and  
4 enforcement 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. INTERFERENCE WITH CHILD CUSTODY REPORT. On  
9 receipt of a report of a violation of Section 25.03, Penal Code, a  
10 peace officer shall attempt to determine the whereabouts of the  
11 child and:

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

14 (A) to the person entitled to the custody or  
15 possession of the child according to the terms of a judgment or  
16 order of a court disposing of the child's custody; or

17 (B) if there is no judgment or court order  
18 described by Paragraph (A), to a parent listed on the child's birth  
19 certificate; or

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

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

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

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

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

5           (3) the person knows that the taking or retaining of  
6 the child is without the effective consent of or against the  
7 expressed wishes of a parent who is listed on the child's birth  
8 certificate and whose parental rights have not been terminated.

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

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