

By: White

H.B. No. 1224

A BILL TO BE ENTITLED

AN ACT

relating to notice to the Department of Family and Protective Services that a foster child has been arrested.

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

SECTION 1. Chapter 15, Code of Criminal Procedure, is amended by adding Article 15.172 to read as follows:

Art. 15.172. DUTY OF OFFICER TO NOTIFY DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES. (a) In this article, "foster child" has the meaning assigned by Section 101.0134, Family Code.

(b) As soon as practicable after a peace officer arrests a person younger than 18 years of age, but not later than 48 hours after the arrest, the peace officer or the person having custody of the arrested person shall make a report of the arrest to the Department of Family and Protective Services and, in collaboration with that department, shall determine whether the arrested person is a foster child.

SECTION 2. Subchapter A, Chapter 264, Family Code, is amended by adding Section 264.019 to read as follows:

Sec. 264.019. SERVICES PROVIDED TO ARRESTED FOSTER CHILD. (a) The department, in consultation with the Department of Public Safety, shall develop procedures under which the department reviews reports of arrested persons that are received under Article 15.172, Code of Criminal Procedure, as soon as practicable to determine whether the person arrested is a foster child.

1 (b) If the department determines under Subsection (a) that
2 an arrested person is a foster child, the department shall provide
3 services to ensure that the foster child's interests are
4 represented during the criminal justice process.

5 SECTION 3. The change in law made by this Act applies only
6 to a person arrested on or after the effective date of this Act. A
7 person arrested before the effective date of this Act is governed by
8 the law in effect on the date the person was arrested, and the
9 former law is continued in effect for that purpose.

10 SECTION 4. This Act takes effect September 1, 2019.