

By: J. Johnson of Harris

H.B. No. 2650

Substitute the following for H.B. No. 2650:

By: White

C.S.H.B. No. 2650

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 the
4 arrest of a 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 person to whom the child is being released:

1 (i) does not have an outstanding warrant;
2 (ii) does not have a protective order
3 issued against the person;
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) verify that the person to whom the child is
10 being released is at least 18 years of age; and
11 (C) collect information about the child's
12 placement to provide to the person who is arrested on the person's
13 release, including:
14 (i) identifying information about the
15 child, including the child's name and pseudonyms; and
16 (ii) the name and address of the person to
17 whom the child is being released;
18 (3) if after a reasonable period of time and a good
19 faith effort the officer does not locate a person described by
20 Subdivision (1), the officer may release the child to a safe living
21 arrangement determined under Subsection (c); and
22 (4) if after a reasonable period of time and a good
23 faith effort, the officer does not locate a safe living arrangement
24 determined under Subsection (c), the officer may release the child
25 to a representative of the victim services division or other
26 similar division within the law enforcement agency to arrange the
27 release of the child to the Department of Family and Protective

1 Services.

2 (c) Each law enforcement agency shall coordinate with
3 child-care providers, nonprofit organizations, and faith-based
4 entities in the agency's region to develop options for safe living
5 arrangements for a child who is in the care, custody, or control of
6 a person at the time the person is arrested and develop an agreement
7 that provides the procedures for the law enforcement agency to
8 release a child to the care of those entities.

9 SECTION 2. Not later than June 1, 2022, each law enforcement
10 agency in this state shall adopt the policy required by Article
11 2.274, Code of Criminal Procedure, as added by this Act.

12 SECTION 3. This Act takes effect September 1, 2021.