

By: J. Johnson of Harris

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) 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 person to whom the child is being
13 released is not listed in the registry as a person who abused or
14 neglected a child;

15 (C) verify that the person to whom the child is
16 being released is at least 18 years of age; and

17 (D) complete a form prescribed by the Department
18 of Family and Protective Services that contains information about
19 the child's placement, including:

20 (i) identifying information about the
21 child, including the child's name and pseudonyms; and

22 (ii) the name and address of the person to
23 whom the child is being released; and

24 (3) if after a reasonable period of time the officer
25 does not locate a competent adult, the officer release the child to
26 a representative of the victim services division or other similar
27 division within the law enforcement agency to arrange the release

1 of the child to the Department of Family and Protective Services.

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

6 SECTION 2. Not later than June 1, 2022, each law enforcement
7 agency in this state shall adopt the policy and enter into the
8 agreement required by Article 2.274, Code of Criminal Procedure, as
9 added by this Act.

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