

By: Paxton

S.B. No. 35

A BILL TO BE ENTITLED

AN ACT

relating to the criminal offense of interference with child custody.

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

SECTION 1. Sections 25.03(b) and (d), Penal Code, are amended to read as follows:

(b) A ~~[noncustodial]~~ parent commits an offense if, with the intent to interfere with the lawful custody of a child younger than 18 years, the ~~[noncustodial]~~ parent knowingly entices or persuades the child to leave the custody of:

(1) the other ~~[the custodial]~~ parent or a ~~[~~ guardian of the child;~~]~~ or

(2) a person standing in the stead of the ~~[custodial]~~ parent or guardian of the child described by Subdivision (1).

(d) An offense under Subsection (a) ~~[this section]~~ is a state jail felony. An offense under Subsection (b) is a Class C misdemeanor punishable by a fine of \$500, except that the offense is a state jail felony if it is shown on the trial of the offense that the defendant:

(1) has previously been convicted two or more times of an offense under that subsection; or

(2) enticed or persuaded the child to leave the state.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this

1 Act. An offense committed before the effective date of this Act is  
2 governed by the law in effect on the date the offense was committed,  
3 and the former law is continued in effect for that purpose. For  
4 purposes of this section, an offense was committed before the  
5 effective date of this Act if any element of the offense occurred  
6 before that date.

7 SECTION 3. This Act takes effect on the 91st day after the  
8 last day of the legislative session.