

BILL ANALYSIS

S.B. 2794
By: Paxton
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that while it is plausible that, in a child custody dispute, either parent may interfere with the other parent's parenting time, currently only the "non-custodial" parent may be charged with a penalty; and it is currently not an offense if the custodial parent does the same thing. Additionally, the bill sponsor has further informed the committee that current state statute governing the enforcement of child custody interference laws is inconsistent, and there is currently no increase penalty to deter the repeat offenders. S.B. 2794 seeks to apply the law relating to interfering with child custody, regardless of which parent is interfering with the other parent's court-ordered parenting time.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 2794 amends the Penal Code to revise the interference with child custody offense in which a noncustodial parent, with the intent to interfere with the lawful custody of a child younger than 18 years, knowingly entices or persuades the child to leave the custody of the custodial parent, guardian, or person standing in the stead of the custodial parent or guardian of the child, as follows:

- replaces "a noncustodial parent" with "a parent" as the applicable actor for purposes of the offense; and
- replaces "the custodial parent" with "the other parent" as one of the persons from whose custody a parent knowingly enticing or persuading the child to leave constitutes the offense.

The bill decreases the base penalty for the offense from a state jail felony to a Class C misdemeanor punishable by a fine of \$500, but enhances that decreased penalty to a state jail felony if it is shown on the trial of the offense that the defendant:

- has previously been convicted two or more times of the offense, as revised by the bill's provisions; or
- enticed or persuaded the child to leave Texas.

S.B. 2794 applies only to an offense committed on or after the bill's effective date. An offense committed before the bill's effective date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes,

an offense was committed before the bill's effective date if any element of the offense occurred before that date.

EFFECTIVE DATE

September 1, 2025.