

1-1 By: Huffman S.B. No. 1571
1-2 (In the Senate - Filed March 8, 2017; March 21, 2017, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 12, 2017, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 12, 2017,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Hughes	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Estes	X		
1-14	Lucio	X		
1-15	Nelson	X		
1-16	Schwertner	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1571 By: Hughes

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the release of a child taken into possession by a law
1-22 enforcement officer.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Chapter 2, Code of Criminal Procedure, is
1-25 amended by adding Article 2.273 to read as follows:

1-26 Art. 2.273. RELEASE OF CHILD BY LAW ENFORCEMENT OFFICER.

1-27 (a) A law enforcement officer who takes possession of a child
1-28 under Section 262.104, Family Code, may release the child to:

1-29 (1) a residential child-care facility licensed by the
1-30 Department of Family and Protective Services under Chapter 42,
1-31 Human Resources Code, if the facility is authorized by the
1-32 department to take possession of the child;

1-33 (2) a juvenile probation department;

1-34 (3) the Department of Family and Protective Services;

1-35 or

1-36 (4) any other person authorized by law to take
1-37 possession of the child.

1-38 (b) Before a law enforcement officer may release a child to
1-39 a person authorized by law to take possession of the child other
1-40 than a governmental entity, the officer shall:

1-41 (1) verify with the National Crime Information Center
1-42 that the child is not a missing child;

1-43 (2) search the relevant databases of the National
1-44 Crime Information Center system, including those pertaining to
1-45 protection orders, historical protection orders, warrants, sex
1-46 offender registries, and persons on supervised release to:

1-47 (A) verify that the person to whom the child is
1-48 being released:

1-49 (i) does not have an outstanding warrant;

1-50 (ii) does not have a protective order
1-51 issued against the person; and

1-52 (iii) is not registered as a sex offender
1-53 unless the person is the child's parent or guardian and there are no
1-54 restrictions regarding the person's contact with the child; and

1-55 (B) obtain any other information the Department
1-56 of Family and Protective Services considers:

1-57 (i) relevant to protect the welfare of the
1-58 child; or

1-59 (ii) reflective of the responsibility of
1-60 the person to whom the child is being released;

2-1 (3) call the Department of Family and Protective
2-2 Services Texas Abuse Hotline to determine whether the person to
2-3 whom the child is being released is listed in the registry as a
2-4 person who abused or neglected a child;
2-5 (4) verify that the person to whom the child is being
2-6 released is at least 18 years of age; and
2-7 (5) maintain a record regarding the child's placement,
2-8 including:
2-9 (A) identifying information about the child,
2-10 including the child's name or pseudonyms; and
2-11 (B) the name and address of the person to whom the
2-12 child is being released.

2-13 SECTION 2. This Act takes effect September 1, 2017.

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