

BILL ANALYSIS

Senate Research Center

H.B. 227
By: Keel (Jackson)
Jurisprudence
4/16/2003
Engrossed

DIGEST AND PURPOSE

Currently, inconsistent enforcement of court orders providing for possession of or access to a child exists when police are called. Law enforcement officers do not have any way to readily check the validity of the document itself and are understandably concerned about departmental liability. These situations frequently occur during night or weekend hours.

As proposed, H.B. 227 institutes a consistent statewide policy that provides for peace officer enforcement of child custody orders in circumstances where peace officers are often summoned; indemnifies the peace officer and the peace officer's agency against claims where the officer relies on a document that appears to be a valid court order; and provides that a person who knowingly presents an invalid court order would be subject to a criminal penalty punishable by confinement in jail for up to two years and a fine of up to \$10,000.00.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 105.006, Family Code, by adding Subsection (e-1), to require an order in a suit that provides for the possession of or access to a child to contain a certain prominently displayed statement in boldfaced type, in capital letters, or underlined.

SECTION 2. (a) Effective date: September 1, 2003.

(b) Makes application of this Act prospective.