

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 1571  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Law enforcement periodically finds need to take possession of a child without a court order. This most often occurs in cases of suspected trafficking or other abuse. Until recently, the Texas Family Code addressed how and to whom law enforcement should release such a child. This language was erroneously removed from statute by S.B. 206, 84th Legislature. Department of Public Safety troopers utilized this language and would benefit from the clear direction of replacement language.

S.B. 1571 amends the Code of Criminal Procedure to add clarifying language that a law enforcement or juvenile probation officer who takes possession of a child in an emergency without a court order may release the child to certain entities. These entities are juvenile probation departments; the Department of Family and Protective Services (DFPS); a residential child-care facility licensed by DFPS, if the facility is authorized by DFPS to take the child; and any other person authorized by law to take the child. Before law enforcement or a juvenile probation officer releases the child, the officer must verify certain information regarding the child and the person to whom the child is being released. S.B. 1571 also requires law enforcement to log identifying information of the child and the person to whom the child is being released.

As proposed, S.B. 1571 amends current law relating to the release of a child taken into possession by a law enforcement or juvenile probation officer.

### **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 Chapter 2, Code of Criminal Procedure, by adding Article 2.273, as follows:

Art. 2.273. RELEASE OF CHILD BY LAW ENFORCEMENT OR JUVENILE PROBATION OFFICER. (a) Authorizes a law enforcement or juvenile probation officer who takes possession of a child under Section 262.104 (Taking Possession of a Child in Emergency Without a Court Order), Family Code, to release the child to:

- (1) a residential child-care facility licensed by the Department of Family and Protective Services (DFPS) under Chapter 42 (Regulation of Certain Facilities, Homes, and Agencies That Provide Child-Care Services), Human Resources Code, if the facility is authorized by DFPS to take possession of the child;
- (2) a juvenile probation department;
- (3) DFPS; or
- (4) any other person authorized by law to take possession of the child.

(b) Requires the officer, before a law enforcement or juvenile probation officer may release a child to a person authorized by law to take possession of the child other than a governmental entity, to verify certain information and complete a form prescribed by DFPS that contains certain information about a child's placement.

SECTION 2. Effective date: September 1, 2017.