

BILL ANALYSIS

C.S.H.B. 1115
By: White
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the lack of protections guaranteeing the safe care of children whose parents are arrested. C.S.H.B. 1115 seeks to address this issue by requiring law enforcement agencies to adopt policies regarding the safe placement of children who are in the care, custody, or control of a parent at the time of their arrest.

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

C.S.H.B. 1115 amends the Code of Criminal Procedure to require each law enforcement agency in Texas to adopt a written policy not later than June 1, 2020, regarding the safe placement of a child who is in the care, custody, or control of a person at the time the person is arrested. The bill sets out requirements for the adopted policy and requires each law enforcement agency to enter into an agreement not later than June 1, 2020, with the Department of Family and Protective Services (DFPS) that provides the procedures for the law enforcement agency to release a child to the care of DFPS.

C.S.H.B. 1115 amends the Government Code to require the Texas Department of Criminal Justice (TDCJ) to periodically inform a person who is confined in a facility operated by or under contract with TDCJ and is the parent of a child for whom DFPS has been named temporary managing conservator of the care and custody status of the person's child.

C.S.H.B. 1115 amends the Human Resources Code to require DFPS to periodically inform the law enforcement agency that arrested a person who is the parent of a child for whom DFPS has been named temporary managing conservator of the care and custody status of the person's child. The bill requires DFPS, if the law enforcement agency notifies DFPS that the arrested person is confined in a county jail, to periodically inform the applicable sheriff's office of the care and custody status of the person's child. The bill requires DFPS, if the law enforcement agency notifies DFPS that the arrested person is confined in a facility operated by or under contract with TDCJ, to periodically inform TDCJ of the care and custody status of the person's child.

C.S.H.B. 1115 amends the Local Government Code to require the sheriff of a county to periodically inform a person who is confined in the county jail and is the parent of a child for whom DFPS has been named temporary managing conservator of the care and custody status of the person's child.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1115 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the person whom the policy must require the arresting officer to locate from a competent adult identified by the arrested person to an adult authorized to be in possession of the child. The substitute revises the actions that the policy must require an arresting officer to take before releasing the child to such an adult.