

- SUBJECT:** Placement of juveniles taken into custody during school hours
- COMMITTEE:** Juvenile Justice and Family Issues — favorable, without amendment
- VOTE:** 5 ayes — Dutton, Bolton, Farrar, Gonzalez Toureilles, Hernandez
0 nays
4 absent — Eiland, Farias, Strama, Vaught
- WITNESSES:** For — James Jones, Houston Police Department; James McLaughlin, Texas Police Chiefs Association; Riley Shaw, Tarrant County District Attorney; (*Registered, but did not testify:* John Chancellor, Southeast Law Enforcement Administrators Association; Lindsay Gustafson, Texas Classroom Teachers Association; Hans Marticiuc, Houston Police Officers' Union; Rick A. Watson (representing David M. Kunkle, Chief of Police, Dallas Police Department))

Against — None
- BACKGROUND:** Under Family Code, ch. 52, a juvenile may be taken into custody by a law enforcement officer, including a school district police officer, or a probation officer if there is probable cause to believe that the child has engaged in illegal conduct, conduct that indicates a need for supervision, or conduct that indicates a violation of probation.
- Without unnecessary delay and without first taking the child to any place other than a juvenile processing office, the officer must either:
- release the child to a parent, guardian or other responsible adult upon that person's promise to bring the child before the juvenile court;
 - bring the child before an official or to a detention facility designated by a juvenile board or to a medical facility if medical treatment is needed; or
 - dispose of the case under guidelines adopted by a juvenile board.

DIGEST: HB 776 would specify that when a child was taken into custody, if school were in session and the child was a student, the child could be brought to the school campus to which the child was assigned if the principal, the principal's designee, or a peace officer assigned to the campus agreed to assume responsibility for the child for the remainder of the school day. HB 776 would take effect September 1, 2007.

SUPPORTERS SAY: HB 776 would specify in statute that a child taken into custody by a police or probation officer could be returned to the school to which the child was assigned if the school agreed to accept responsibility for the student. Current law is very specific about what a police or parole officer may do when a child is taken into custody, but it does not specify that the child may be returned to school. Even though in practice this often is what happens when a police officer apprehends a school-aged child during school hours, the current statute provides no clear authority for this practice. HB 776 would provide this authority.

The student could be returned to school only if the principal, assistant principal, or school police officer agreed to assume responsibility for the child for the remainder of the day. If the child had been placed in an alternative education program or there was another reason the student should not be in school, the school would not have to accept responsibility for supervising the student. Returning the child to school should not present an undue burden for school personnel if the child was supposed to be there in the first place.

OPPONENTS SAY: There could be reasons, such as gang violence or bullying, that a student was not attending school. It should be the responsibility of the student's family, not the school principal or assistant principal, to supervise a student taken into custody while the student awaits an appearance before the juvenile court.

NOTES: The companion bill, SB 1072 by Janek, is scheduled for a hearing in the Senate Jurisprudence Committee on April 4.