

CHAPTER 444

H.B. No. 113

AN ACT

relating to the revocation of the license of a security officer who abducts a child and to the offenses of agreement to abduct a child from custody and interference with child custody.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 25.03, Penal Code, is amended to read as follows:

Sec. 25.03. INTERFERENCE WITH CHILD CUSTODY. (a) A person commits an offense if he takes or retains a child younger than 18 years ~~[out of this state]~~ when he:

(1) knows that his taking or retention violates the express terms of a judgment or order of a court disposing of the child's custody; or

(2) has not been awarded custody of the child by a court of competent jurisdiction, ~~[and]~~ knows that a suit for divorce~~[,]~~ or a civil suit or application for habeas corpus to dispose of the child's custody~~[,]~~ has been filed, *and takes the child out of the area of the court's jurisdiction without the permission of the court and with the intent to deprive the court of authority over the child.*

(b) *A noncustodial parent commits an offense if, with the intent to interfere with the lawful custody of a child younger than 18 years, he knowingly entices or persuades the child to leave the custody of the custodial parent, guardian, or person standing in the stead of the custodial parent or guardian of the child.*

(c) It is a defense to prosecution under Subsection (a)(2) of this section that the actor returned the child *to the area of the court's jurisdiction* ~~[to this state]~~ within three ~~[seven]~~ days after the date of the commission of the offense.

(d) ~~[(e)]~~ An offense under this section is a felony of the third degree.

SECTION 2. Chapter 610, Acts of the 61st Legislature, Regular Session, 1969 (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by adding Section 11C to read as follows:

*Sec. 11C. MANDATORY REVOCATION. The board shall revoke any registration, license, or security officer commission, or deny an application for or renewal of a registration, license, or security officer commission on proof that the applicant, licensee, commissioned security officer, registrant, or an agent of the applicant, licensee, commissioned security officer, or registrant has, after the date of application for a registration, license, or security officer commission, abducted or attempted to abduct by force or the threat of force or by misrepresentation, stealth, or unlawful entry a child who at the time of the abduction or attempt is under the care and control of a person who has custody or physical possession of the child under a court order or is under the care and control of another person who is exercising the care*

*and control with the consent of a person who has custody or physical possession of the child under a court order.*

SECTION 3. Chapter 25, Penal Code, is amended by adding Section 25.031 to read as follows:

*Sec. 25.031. AGREEMENT TO ABDUCT FROM CUSTODY. (a) A person commits an offense if the person agrees, for remuneration or the promise of remuneration, to abduct a child by force, threat of force, misrepresentation, stealth, or unlawful entry, knowing that the child is under the care and control of a person having custody or physical possession of the child under a court order or under the care and control of another person who is exercising care and control with the consent of a person having custody or physical possession under a court order.*

*(b) An offense under this section is a felony of the third degree.*

SECTION 4. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 5. This Act takes effect September 1, 1987.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 28, 1987, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 113 on May 22, 1987, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 113 on May 27, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 20, 1987, by a viva-voce vote; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 113 on May 29, 1987, by a viva-voce vote.

Approved June 17, 1987.

Effective Sept. 1, 1987.