

BILL ANALYSIS

C.S.H.B. 59
By: Wise
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The kidnapping of Charles and Anne Lindbergh's son in 1932 first alerted the American public to the problem of child abduction, but it wasn't until the 1980s that missing children reemerged into the national consciousness. From the disappearance of Etan Patz in New York City in 1979 to the establishment of Child Find of America, Inc., in New York the following year, scattered but impressive regional efforts developed to locate missing children. These efforts coalesced into a national agenda when John Walsh became a national spokesperson after his son, Adam, disappeared in Florida in the summer of 1981.

By the following year, the issue of missing children achieved national political attention under the leadership of former U.S. Senator Paula Hawkins of Florida and then U.S. Congressman Paul Simon of Illinois. The U.S. Senate declared May 25 as National Missing Children's Day and the U.S. Congress passed the Missing Children Act of 1982 (28 U.S.C. 534(a)), which authorized the FBI to enter and maintain information about missing persons in the National Crime Information Center (NCIC). Access to that information assists federal, state, and local officials in locating those persons.

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

House Bill 59 strengthens current Texas law in the Penal Code pertaining to the prosecution of and punishment for the offenses of kidnapping and aggravated kidnapping, particularly when children are involved. It strengthens current law by increasing the level of the felony from third degree to second degree if the person abducted is exposed to a risk of serious bodily injury. Current law does not elaborate on this risk factor. Additionally, this legislation adds language to the code which makes it an offense if the abductor holds the person abducted in a "condition of involuntary servitude." Finally, it strengthens current law by making it an offense if the individual abducted is a minor younger than 18 years of age or is incompetent.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original by making it an offense if the individual abducted is a minor younger than 18, rather than 17, years of age or is incompetent.