

1-1 By: Frullo, Dale (Senate Sponsor - Hinojosa) H.B. No. 1793
1-2 (In the Senate - Received from the House April 20, 2015;
1-3 April 30, 2015, read first time and referred to Committee on
1-4 Criminal Justice; May 21, 2015, reported favorably by the
1-5 following vote: Yeas 7, Nays 0; May 21, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Huffman	X		
1-10	Burton	X		
1-11	Creighton	X		
1-12	Hinojosa	X		
1-13	Menéndez	X		
1-14	Perry	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to reports of certain missing children and to the
1-18 administration of missing or exploited children prevention grants.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Article 63.009(a), Code of Criminal Procedure,
1-21 is amended to read as follows:

1-22 (a) Local law enforcement agencies, on receiving a report of
1-23 a missing child or a missing person, shall:

1-24 (1) if the subject of the report is a child and the
1-25 ~~[well-being of the]~~ child is at a high risk of harm or is otherwise
1-26 in danger or if the subject of the report is a person who is known by
1-27 the agency to have or is reported to have chronic dementia,
1-28 including Alzheimer's dementia, whether caused by illness, brain
1-29 defect, or brain injury, immediately start an investigation in
1-30 order to determine the present location of the child or person;

1-31 (2) if the subject of the report is a child or person
1-32 other than a child or person described by Subdivision (1), start an
1-33 investigation with due diligence in order to determine the present
1-34 location of the child or person;

1-35 (3) immediately, but not later than two hours after
1-36 receiving the report, enter the name of the child or person into the
1-37 clearinghouse, the national crime information center missing
1-38 person file if the child or person meets the center's criteria, and
1-39 the Alzheimer's Association Safe Return crisis number, if
1-40 applicable, with all available identifying features such as dental
1-41 records, fingerprints, other physical characteristics, and a
1-42 description of the clothing worn when last seen, and all available
1-43 information describing any person reasonably believed to have taken
1-44 or retained the missing child or missing person; and

1-45 (4) inform the person who filed the report of the
1-46 missing child or missing person that the information will be
1-47 entered into the clearinghouse, the national crime information
1-48 center missing person file, and the Alzheimer's Association Safe
1-49 Return crisis number, if applicable.

1-50 SECTION 2. Article 63.0091, Code of Criminal Procedure, is
1-51 amended to read as follows:

1-52 Art. 63.0091. LAW ENFORCEMENT REQUIREMENTS REGARDING
1-53 REPORTS OF CERTAIN MISSING CHILDREN. (a) The public safety
1-54 director of the Department of Public Safety shall adopt rules
1-55 regarding the procedures for a local law enforcement agency on
1-56 receiving a report of a missing child who:

1-57 (1) had been reported missing on four or more
1-58 occasions in the 24-month period preceding the date of the current
1-59 report; ~~[or]~~

1-60 (2) is in foster care or in the conservatorship of the
1-61 Department of Family and Protective Services and had been reported

2-1 missing on two or more occasions in the 24-month period preceding
 2-2 the date of the current report; or
 2-3 (3) is under 14 years of age and otherwise determined
 2-4 by the local law enforcement agency or the Department of Public
 2-5 Safety to be at a high risk of human trafficking, sexual assault,
 2-6 exploitation, abuse, or neglectful supervision.

2-7 (b) The rules adopted under this article must require that
 2-8 in entering information regarding the report into the national
 2-9 crime information center missing person file as required by Article
 2-10 63.009(a)(3) for a missing child described by Subsection (a), the
 2-11 local law enforcement agency shall indicate, in the manner
 2-12 specified in the rules, that the child is at a high risk of harm
 2-13 ~~[endangered]~~ and include relevant information regarding any [the]
 2-14 prior occasions on which the child was reported missing.

2-15 (c) If, at the time the initial entry into the national
 2-16 crime information center missing person file is made, the local law
 2-17 enforcement agency has not determined that the requirements of this
 2-18 article apply to the report of the missing child, the information
 2-19 required by Subsection (b) must be added to the entry promptly after
 2-20 the agency investigating the report or the Department of Public
 2-21 Safety determines that the missing child is described by Subsection
 2-22 (a).

2-23 SECTION 3. Subchapter A, Chapter 63, Code of Criminal
 2-24 Procedure, is amended by adding Article 63.0092 to read as follows:

2-25 Art. 63.0092. OPTION TO DESIGNATE MISSING CHILD AS HIGH
 2-26 RISK. (a) This article applies to a report of a missing child who is
 2-27 at least 14 years of age and who a local law enforcement agency or
 2-28 the Department of Public Safety determines is at a high risk of
 2-29 human trafficking, sexual assault, exploitation, abuse, or
 2-30 neglectful supervision.

2-31 (b) In entering information regarding a report described by
 2-32 Subsection (a) into the national crime information center missing
 2-33 person file as required by Article 63.009(a)(3), the local law
 2-34 enforcement agency may indicate that the child is at a high risk of
 2-35 harm and may include any other relevant information.

2-36 SECTION 4. Section 411.0133, Government Code, is
 2-37 transferred to Chapter 772, Government Code, redesignated as
 2-38 Section 772.0072, Government Code, and amended to read as follows:

2-39 Sec. 772.0072 [411.0133]. MISSING OR EXPLOITED CHILDREN
 2-40 PREVENTION GRANTS. (a) In this section, "nonprofit organization"
 2-41 means an organization exempt from federal income taxation under
 2-42 Section 501(a), Internal Revenue Code of 1986, as an organization
 2-43 described by Section 501(c)(3) of that code [has the meaning
 2-44 assigned by Section 403.351].

2-45 (b) This section applies to a nonprofit organization that is
 2-46 formed to offer programs and provide information to parents or
 2-47 other legal custodians, children, schools, public officials,
 2-48 organizations serving youths, nonprofit organizations, and the
 2-49 general public concerning child safety and Internet safety and the
 2-50 prevention of child abductions and child sexual exploitation.

2-51 (c) The criminal justice division established under Section
 2-52 772.006 [department] may award a grant to a nonprofit organization
 2-53 described by Subsection (b) that is operating in this state to
 2-54 provide programs and information described by that subsection to
 2-55 assist the Department of Public Safety [department] in the
 2-56 performance of its [the department's] duties related to missing or
 2-57 exploited children, including any duty related to the missing
 2-58 children and missing persons information clearinghouse under
 2-59 Chapter 63, Code of Criminal Procedure.

2-60 ~~[(d) The department may adopt rules to implement this~~
 2-61 ~~section.]~~

2-62 SECTION 5. Articles 63.009(a) and 63.0091, Code of Criminal
 2-63 Procedure, as amended by this Act, and Article 63.0092, Code of
 2-64 Criminal Procedure, as added by this Act, apply only to a missing
 2-65 child report that is received by a law enforcement agency on or
 2-66 after the effective date of this Act. A report that is received
 2-67 before the effective date of this Act is governed by the law in
 2-68 effect on the date the report was received, and the former law is
 2-69 continued in effect for that purpose.

3-1 SECTION 6. This Act takes effect September 1, 2015.

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