

1-1 By: Farney, et al. (Senate Sponsor - Schwertner) H.B. No. 2053  
1-2 (In the Senate - Received from the House April 29, 2015;  
1-3 May 4, 2015, read first time and referred to Committee on Health  
1-4 and Human Services; May 21, 2015, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 7, Nays  
1-6 0; May 21, 2015, sent to printer.)

1-7 COMMITTEE VOTE

|      | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-8  |     |     |        |     |
| 1-9  | X   |     |        |     |
| 1-10 | X   |     |        |     |
| 1-11 | X   |     |        |     |
| 1-12 |     |     | X      |     |
| 1-13 | X   |     |        |     |
| 1-14 | X   |     |        |     |
| 1-15 | X   |     |        |     |
| 1-16 | X   |     |        |     |
| 1-17 |     |     | X      |     |

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 2053 By: Schwertner

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the protection of certain children who may be subject to  
1-22 child abuse or neglect through the operation of the child safety  
1-23 check alert list and training for law enforcement officers relating  
1-24 to the child safety check alert list.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 261.301, Family Code, is amended by  
1-27 adding Subsection (i) to read as follows:

1-28 (i) If at any time during an investigation of a report of  
1-29 child abuse or neglect to which the department has assigned the  
1-30 highest priority the department is unable to locate the child who is  
1-31 the subject of the report of abuse or neglect or the child's family,  
1-32 the department shall notify the Department of Public Safety that  
1-33 the location of the child and the child's family is unknown. If the  
1-34 Department of Public Safety locates the child and the child's  
1-35 family, the Department of Public Safety shall notify the department  
1-36 of the location of the child and the child's family.

1-37 SECTION 2. Section 261.3022, Family Code, is amended to  
1-38 read as follows:

1-39 Sec. 261.3022. CHILD SAFETY CHECK ALERT LIST. (a) The  
1-40 [Subject to the availability of funds, the] Department of Public  
1-41 Safety of the State of Texas shall maintain [create] a child safety  
1-42 check alert list as part of the Texas Crime Information Center to  
1-43 help locate a child or the child's family for purposes of:

1-44 (1) investigating a report of child abuse or neglect;

1-45 (2) providing protective services to a family  
1-46 receiving family-based support services; or

1-47 (3) providing protective services to the family of a  
1-48 child in the managing conservatorship of the department.

1-49 (b) If [the child safety check alert list is established  
1-50 and] the department is unable to locate a child or the child's  
1-51 family for a purpose described by Subsection (a) after the  
1-52 department has attempted to locate the child for not more than 20  
1-53 days, the department shall notify the Texas Department of Public  
1-54 Safety that the department is unable to locate the child or the  
1-55 child's family. The notice must include the information required  
1-56 by Subsections (c)(1)-(10).

1-57 (c) On receipt of the notice from the department, the Texas  
1-58 Department of Public Safety shall [purposes of investigating a  
1-59 report of child abuse or neglect, after the department has  
1-60 exhausted all means available to the department for locating the

2-1 ~~family, the department may seek assistance under this section from~~  
 2-2 ~~the appropriate county attorney, district attorney, or criminal~~  
 2-3 ~~district attorney with responsibility for representing the~~  
 2-4 ~~department as provided by Section 264.009.~~

2-5 ~~[(c) If the department requests assistance, the county~~  
 2-6 ~~attorney, district attorney, or criminal district attorney, as~~  
 2-7 ~~applicable, may file an application with the court requesting the~~  
 2-8 ~~issuance of an ex parte order requiring the Texas Crime Information~~  
 2-9 ~~Center to place the members of the family the department is~~  
 2-10 ~~attempting to locate on a child safety check alert list. The~~  
 2-11 ~~application must include a summary of:~~

2-12 ~~(1) the report of child abuse or neglect the~~  
 2-13 ~~department is attempting to investigate; and~~

2-14 ~~(2) the department's efforts to locate the family.~~

2-15 ~~[(d) If the court determines after a hearing that the~~  
 2-16 ~~department has exhausted all means available to the department for~~  
 2-17 ~~locating the family, the court shall approve the application and~~  
 2-18 ~~order the appropriate law enforcement agency to] notify the Texas~~  
 2-19 ~~Crime Information Center to place the child and the child's family~~  
 2-20 ~~on a child safety check alert list. The alert list must include the~~  
 2-21 ~~following information if known or readily available:~~

2-22 ~~(1) the name, sex, race, date of birth, any known~~  
 2-23 ~~identifying numbers, including social security number and driver's~~  
 2-24 ~~license number, and personal descriptions of the family member~~  
 2-25 ~~alleged to have abused or neglected a child according to the report~~  
 2-26 ~~the department is attempting to investigate;~~

2-27 ~~(2) the name, sex, race, date of birth, any known~~  
 2-28 ~~identifying numbers, including social security number and driver's~~  
 2-29 ~~license number, and personal descriptions of any parent, managing~~  
 2-30 ~~conservator, or guardian of the child who cannot be located for the~~  
 2-31 ~~purposes described by Subsection (a);~~

2-32 ~~(3) the name, sex, race, date of birth, any known~~  
 2-33 ~~identifying numbers, including social security number and driver's~~  
 2-34 ~~license number, and personal descriptions of the child who is the~~  
 2-35 ~~subject of the report or is receiving services described by~~  
 2-36 ~~Subsection (a)(2) or (3);~~

2-37 ~~(4) if applicable, [(3)] a code identifying the type~~  
 2-38 ~~of child abuse or neglect alleged or determined to have been~~  
 2-39 ~~committed against the child;~~

2-40 ~~(5) [(4)] the family's last known address; ~~and~~~~

2-41 ~~(6) any known description of the motor vehicle,~~  
 2-42 ~~including the vehicle's make, color, style of body, model year, and~~  
 2-43 ~~vehicle identification number, in which the child is suspected to~~  
 2-44 ~~be transported;~~

2-45 ~~(7) the case number assigned by the department;~~

2-46 ~~(8) the department's dedicated law-enforcement~~  
 2-47 ~~telephone number for statewide intake;~~

2-48 ~~(9) the date and time when and the location where the~~  
 2-49 ~~child was last seen; and~~

2-50 ~~(10) any other information required [(5) the minimum~~  
 2-51 ~~criteria] for an entry as established by the center.~~

2-52 SECTION 3. Section 261.3023, Family Code, is amended to  
 2-53 read as follows:

2-54 Sec. 261.3023. LAW ENFORCEMENT RESPONSE TO CHILD SAFETY  
 2-55 CHECK ALERT. ~~[(a)]~~ If a law enforcement officer encounters a child  
 2-56 or other person listed on the Texas Crime Information Center's  
 2-57 child safety check alert list, the law enforcement officer shall  
 2-58 follow the procedures described by Article 2.272, Code of Criminal  
 2-59 Procedure [who is alleged to have abused or neglected a child, or  
 2-60 encounters a child listed on the alert list who is the subject of a  
 2-61 report of child abuse or neglect the department is attempting to  
 2-62 investigate, the officer shall request information from the person  
 2-63 or the child regarding the child's well-being and current  
 2-64 residence.

2-65 ~~[(b) If the law enforcement officer determines that the~~  
 2-66 ~~circumstances described by Section 262.104 exist, the officer may~~  
 2-67 ~~take possession of the child without a court order as authorized by~~  
 2-68 ~~that section if the officer is able to locate the child. If the~~  
 2-69 ~~circumstances described by Section 262.104 do not exist, the~~

3-1 ~~officer shall obtain the child's current address and any other~~  
3-2 ~~relevant information and report that information to the~~  
3-3 ~~department].~~

3-4 SECTION 4. Section 261.3024, Family Code, is amended to  
3-5 read as follows:

3-6 Sec. 261.3024. REMOVAL FROM CHILD SAFETY CHECK ALERT LIST.

3-7 (a) A law enforcement officer who locates a child listed on the  
3-8 Texas Crime Information Center's child safety check alert list [~~who~~  
3-9 ~~is the subject of a report of child abuse or neglect the department~~  
3-10 ~~is attempting to investigate and who reports the child's current~~  
3-11 ~~address and other relevant information to the department under~~  
3-12 ~~Section 261.3023]~~ shall report [~~to the Texas Crime Information~~  
3-13 ~~Center]~~ that the child has been located in the manner prescribed by  
3-14 Article 2.272, Code of Criminal Procedure.

3-15 (b) If the department locates a child who has been placed on  
3-16 the child safety check alert list established under Section  
3-17 261.3022 [described by Subsection (a)] through a means other than  
3-18 information reported to the department by a law enforcement officer  
3-19 under Article 2.272, Code of Criminal Procedure [Subsection (a)],  
3-20 the department shall report to the Texas Crime Information Center  
3-21 that the child has been located.

3-22 (c) On receipt of notice [~~under this section~~] that a child  
3-23 has been located, the Texas Crime Information Center shall remove  
3-24 the child and the child's family from the child safety check alert  
3-25 list.

3-26 SECTION 5. Subchapter D, Chapter 261, Family Code, is  
3-27 amended by adding Section 261.3025 to read as follows:

3-28 Sec. 261.3025. CHILD SAFETY CHECK ALERT LIST PROGRESS  
3-29 REPORT. (a) Not later than February 1 of each year, the Department  
3-30 of Public Safety, with the assistance of the department, shall  
3-31 prepare and submit a report on the use of the Texas Crime  
3-32 Information Center's child safety check alert list to the standing  
3-33 committees of the senate and the house of representatives with  
3-34 primary jurisdiction over child protective services.

3-35 (b) The report must include the following information for  
3-36 the preceding calendar year:

3-37 (1) the number of law enforcement officers who  
3-38 completed the training program established under Section 1701.262,  
3-39 Occupations Code;

3-40 (2) the number of children who have been placed on the  
3-41 child safety check alert list and the number of those children who  
3-42 have been located; and

3-43 (3) the number of families who have been placed on the  
3-44 child safety check alert list and the number of those families who  
3-45 have been located.

3-46 (c) This section expires February 2, 2021.

3-47 SECTION 6. Chapter 2, Code of Criminal Procedure, is  
3-48 amended by adding Article 2.272 to read as follows:

3-49 Art. 2.272. LAW ENFORCEMENT RESPONSE TO CHILD SAFETY CHECK  
3-50 ALERT. (a) If a peace officer locates a child or other person  
3-51 listed on the Texas Crime Information Center's child safety check  
3-52 alert list established under Section 261.3022, Family Code, the  
3-53 officer shall:

3-54 (1) immediately contact the Department of Family and  
3-55 Protective Services on the department's dedicated law-enforcement  
3-56 telephone number for statewide intake;

3-57 (2) request information from the department regarding  
3-58 the circumstances of the case involving the child or other person;  
3-59 and

3-60 (3) request information from the child and the other  
3-61 person regarding the child's safety, well-being, and current  
3-62 residence.

3-63 (b) The peace officer may temporarily detain the child or  
3-64 other person to ensure the safety and well-being of the child.

3-65 (c) If the peace officer determines that the circumstances  
3-66 described by Section 262.104, Family Code, exist, the officer may  
3-67 take temporary possession of the child without a court order as  
3-68 provided by Section 262.104, Family Code. If the peace officer does  
3-69 not take temporary possession of the child, the officer shall

4-1 obtain the child's current address and any other relevant  
4-2 information and report that information to the Department of Family  
4-3 and Protective Services.

4-4 (d) A peace officer who locates a child or other person  
4-5 listed on the Texas Crime Information Center's child safety check  
4-6 alert list and who reports the child's or other person's current  
4-7 address and other relevant information to the Department of Family  
4-8 and Protective Services shall report to the Texas Crime Information  
4-9 Center that the child or other person has been located and to whom  
4-10 the child was released, as applicable.

4-11 SECTION 7. Subchapter F, Chapter 1701, Occupations Code, is  
4-12 amended by adding Section 1701.262 to read as follows:

4-13 Sec. 1701.262. TRAINING PROGRAM RELATING TO CHILD SAFETY  
4-14 CHECK ALERT LIST. (a) The commission by rule shall establish an  
4-15 education and training program on the Texas Crime Information  
4-16 Center's child safety check alert list. The program must include  
4-17 instruction relating to:

4-18 (1) the procedures for placing a child or other person  
4-19 on the child safety check alert list;

4-20 (2) the manner in which an officer should interact  
4-21 with a child or other person on the child safety check alert list  
4-22 whom the officer locates; and

4-23 (3) the procedures for removing a child or other  
4-24 person from the child safety check alert list.

4-25 (b) The commission shall make the training program  
4-26 available to employees in the child protective services division of  
4-27 the Department of Family and Protective Services, including  
4-28 caseworkers, supervisors, and special investigators.

4-29 SECTION 8. Section 1701.402, Occupations Code, is amended  
4-30 by adding Subsection (m) to read as follows:

4-31 (m) As a requirement for an intermediate or advanced  
4-32 proficiency certificate issued by the commission on or after  
4-33 January 1, 2016, an officer must complete an education and training  
4-34 program on the Texas Crime Information Center's child safety check  
4-35 alert list established by the commission under Section 1701.262.

4-36 SECTION 9. (a) Except as provided by this section, this Act  
4-37 takes effect September 1, 2015.

4-38 (b) Section 261.3025, Family Code, as added by this Act,  
4-39 takes effect March 1, 2016.

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