

1 AN ACT

2 relating to duties and procedures and to training programs for law
3 enforcement agencies regarding missing children and missing
4 persons.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. This Act may be cited as Tim's Law.

7 SECTION 2. Article 2.13(c), Code of Criminal Procedure, is
8 amended to read as follows:

9 (c) It is the duty of every officer to take possession of a
10 child under Article 63.00905(g) [~~63.009(g)~~].

11 SECTION 3. The heading to Article 63.009, Code of Criminal
12 Procedure, is amended to read as follows:

13 Art. 63.009. LAW ENFORCEMENT REQUIREMENTS GENERALLY.

14 SECTION 4. Articles 63.009(a), (d), and (f), Code of
15 Criminal Procedure, are amended to read as follows:

16 (a) A law enforcement agency, on receiving a report of a
17 [~~missing child or~~] missing person, shall:

18 (1) [~~if the subject of the report is a child and the~~
19 ~~child is at a high risk of harm or is otherwise in danger or~~] if the
20 subject of the report is a person who is known by the agency to have
21 or is reported to have chronic dementia, including Alzheimer's
22 dementia, whether caused by illness, brain defect, or brain injury,
23 immediately start an investigation in order to determine the
24 present location of the [~~child or~~] person;

1 (2) if the subject of the report is a [~~child or~~] person
2 other than a [~~child or~~] person described by Subdivision (1), start
3 an investigation with due diligence in order to determine the
4 present location of the [~~child or~~] person;

5 (3) immediately, but not later than two hours after
6 receiving the report, enter the name of the [~~child or~~] person into
7 the clearinghouse and the national crime information center missing
8 person file if the [~~child or~~] person meets the center's criteria,
9 and report that name to the Alzheimer's Association Safe Return
10 emergency response center if applicable, with all available
11 identifying features such as dental records, fingerprints, other
12 physical characteristics, and a description of the clothing worn
13 when last seen, and all available information describing any person
14 reasonably believed to have taken or retained the [~~missing child~~
15 ~~or~~] missing person;

16 (4) not later than 48 hours after receiving the
17 report, electronically submit to each municipal or county law
18 enforcement agency within 200 miles the report and any information
19 that may help determine the present location of the person;

20 (5) not later than the 60th day after the date the
21 agency receives the report, enter the name of the [~~child or~~] person
22 into the National Missing and Unidentified Persons System, with all
23 available identifying features such as dental records,
24 fingerprints, other physical characteristics, and a description of
25 the clothing worn when last seen, and all available information
26 describing any person reasonably believed to have taken or retained
27 the [~~missing child or~~] missing person; and

1 (6) [~~(5)~~] inform the person who filed the report of
2 the [~~missing child or~~] missing person that the information will be:

3 (A) entered into the clearinghouse, the national
4 crime information center missing person file, and the National
5 Missing and Unidentified Persons System; [~~and~~]

6 (B) reported to the Alzheimer's Association Safe
7 Return emergency response center if applicable; and

8 (C) submitted to each municipal or county law
9 enforcement agency within 200 miles.

10 (d) If a local law enforcement agency investigating a report
11 of a [~~missing child or~~] missing person obtains a warrant for the
12 arrest of a person for taking or retaining the [~~missing child or~~]
13 missing person, the local law enforcement agency shall immediately
14 enter the name and other descriptive information of the person into
15 the national crime information center wanted person file if the
16 person meets the center's criteria. The local law enforcement
17 agency shall also enter all available identifying features,
18 including dental records, fingerprints, and other physical
19 characteristics of the [~~missing child or~~] missing person. The
20 information shall be cross-referenced with the information in the
21 national crime information center missing person file.

22 (f) Immediately after the return of a [~~missing child or~~]
23 missing person or the identification of an unidentified body, the
24 local law enforcement agency having jurisdiction of the
25 investigation shall:

26 (1) clear the entry in the national crime information
27 center database; and

1 (2) notify the National Missing and Unidentified
2 Persons System.

3 SECTION 5. Subchapter A, Chapter 63, Code of Criminal
4 Procedure, is amended by adding Article 63.00905 to read as
5 follows:

6 Art. 63.00905. LAW ENFORCEMENT REQUIREMENTS FOR REPORT OF
7 MISSING CHILD. (a) Regardless of the jurisdiction in which the
8 child went missing, a law enforcement agency, on receiving a report
9 of a missing child, shall:

10 (1) immediately start an investigation in order to
11 determine the present location of the child;

12 (2) immediately, but not later than two hours after
13 receiving the report, enter the name of the child into the
14 clearinghouse and the national crime information center missing
15 person file if the child meets the center's criteria, with all
16 available identifying features such as dental records,
17 fingerprints, other physical characteristics, and a description of
18 the clothing worn when last seen, and all available information
19 describing any person reasonably believed to have taken or retained
20 the missing child;

21 (3) immediately, but not later than two hours after
22 the agency receives the report, enter the applicable information
23 into the Texas Law Enforcement Telecommunications System or a
24 successor system of telecommunication used by law enforcement
25 agencies and operated by the Department of Public Safety;

26 (4) not later than 48 hours after receiving the
27 report, electronically submit to each municipal or county law

1 enforcement agency within 200 miles the report and any information
2 that may help determine the present location of the child;

3 (5) not later than the 30th day after the date the
4 agency receives the report, enter the name of the child into the
5 National Missing and Unidentified Persons System, with all
6 available identifying features such as dental records,
7 fingerprints, other physical characteristics, and a description of
8 the clothing worn when last seen, and all available information
9 describing any person reasonably believed to have taken or retained
10 the missing child; and

11 (6) inform the person who filed the report of the
12 missing child that the information will be:

13 (A) entered into the clearinghouse, the national
14 crime information center missing person file, and the National
15 Missing and Unidentified Persons System; and

16 (B) submitted to each municipal or county law
17 enforcement agency within 200 miles.

18 (b) A local law enforcement agency, on receiving a report of
19 a child missing under the circumstances described by Article
20 63.001(3)(D) for a period of not less than 48 hours, shall
21 immediately make a reasonable effort to locate the child and
22 determine the well-being of the child. On determining the location
23 of the child, if the agency has reason to believe that the child is a
24 victim of abuse or neglect as defined by Section 261.001, Family
25 Code, the agency:

26 (1) shall notify the Department of Family and
27 Protective Services; and

1 (2) may take possession of the child under Subchapter
2 B, Chapter 262, Family Code.

3 (c) The Department of Family and Protective Services, on
4 receiving notice under Subsection (b), may initiate an
5 investigation into the allegation of abuse or neglect under Section
6 261.301, Family Code, and take possession of the child under
7 Chapter 262, Family Code.

8 (d) Information not immediately available when the original
9 entry is made shall be entered into the clearinghouse, the national
10 crime information center file, and the National Missing and
11 Unidentified Persons System as a supplement to the original entry
12 as soon as possible.

13 (e) If a local law enforcement agency investigating a report
14 of a missing child obtains a warrant for the arrest of a person for
15 taking or retaining the missing child, the local law enforcement
16 agency shall immediately enter the name and other descriptive
17 information of the person into the national crime information
18 center wanted person file if the person meets the center's
19 criteria. The local law enforcement agency shall also enter all
20 available identifying features, including dental records,
21 fingerprints, and other physical characteristics of the missing
22 child. The information shall be cross-referenced with the
23 information in the national crime information center missing person
24 file.

25 (f) Immediately after the return of a missing child, the
26 local law enforcement agency having jurisdiction of the
27 investigation shall:

1 (1) clear the entry in the national crime information
2 center database; and

3 (2) notify the National Missing and Unidentified
4 Persons System.

5 (g) On determining the location of a child, other than a
6 child who is subject to the continuing jurisdiction of a district
7 court, an officer shall take possession of the child and shall
8 deliver or arrange for the delivery of the child to a person
9 entitled to possession of the child. If the person entitled to
10 possession of the child is not immediately available, the law
11 enforcement officer shall deliver the child to the Department of
12 Family and Protective Services.

13 SECTION 6. Article 63.0091, Code of Criminal Procedure, is
14 amended to read as follows:

15 Art. 63.0091. LAW ENFORCEMENT REQUIREMENTS REGARDING
16 REPORTS OF CERTAIN MISSING CHILDREN. (a) The public safety
17 director of the Department of Public Safety shall adopt rules
18 regarding the procedures for a local law enforcement agency on
19 receiving a report of a missing child who:

20 (1) had been reported missing on four or more
21 occasions in the 24-month period preceding the date of the current
22 report;

23 (2) is in foster care or in the conservatorship of the
24 Department of Family and Protective Services and had been reported
25 missing on two or more occasions in the 24-month period preceding
26 the date of the current report; or

27 (3) is [~~under 14 years of age and otherwise determined~~

1 ~~by the local law enforcement agency or the Department of Public~~
2 ~~Safety to be]~~ at a high risk of human trafficking, sexual assault,
3 exploitation, abuse, or neglectful supervision for any reason the
4 agency considers to be high risk, including because the missing
5 child:

6 (A) disappeared while in a dangerous
7 environment;

8 (B) has mental or behavioral health needs;

9 (C) previously exhibited signs of mental
10 illness;

11 (D) has an intellectual or developmental
12 disability; or

13 (E) is known to have been last seen or in
14 communication with an adult unknown to the child's family or legal
15 guardian.

16 (b) The rules adopted under this article must require that:

17 (1) in entering information regarding the report into
18 the national crime information center missing person file as
19 required by Article 63.00905(a)(2) [~~63.009(a)(3)~~] for a missing
20 child described by Subsection (a), the local law enforcement agency
21 shall indicate, in the manner specified in the rules, that the child
22 is at a high risk of harm and include relevant information
23 regarding:

24 (A) any prior occasions on which the child was
25 reported missing; and

26 (B) the circumstances considered when
27 designating the child as high risk; and

1 (2) the local law enforcement agency that receives a
2 report of a missing child described by Subsection (a)(3) shall:

3 (A) reasonably escalate the response; and

4 (B) immediately, but not later than two hours
5 after receiving the report, notify all law enforcement agencies
6 within 100 miles, including agencies from other states, of the
7 circumstances and high risk designation of the missing child.

8 (c) If, at the time the initial entry into the national
9 crime information center missing person file is made, the local law
10 enforcement agency has not determined that the requirements of this
11 article apply to the report of the missing child, the information
12 required by Subsection (b)(1) [~~(b)~~] must be added to the entry
13 promptly after the agency investigating the report or the
14 Department of Public Safety determines that the missing child is
15 described by Subsection (a).

16 SECTION 7. Section [1701.253](#), Occupations Code, is amended
17 by adding Subsection (q) to read as follows:

18 (q) As part of the minimum curriculum requirements, the
19 commission shall establish a basic education and training program
20 on missing children and missing persons, including instruction on
21 the associated reporting requirements under Chapter [63](#), Code of
22 Criminal Procedure. An officer shall complete the program not
23 later than the second anniversary of the date the officer is
24 licensed under this chapter unless the officer completes the
25 program as part of the officer's basic training course.

26 SECTION 8. Subchapter [F](#), Chapter [1701](#), Occupations Code, is
27 amended by adding Section [1701.2581](#) to read as follows:

1 Sec. 1701.2581. VOLUNTARY ADVANCED EDUCATION AND TRAINING
2 PROGRAM ON MISSING CHILDREN AND MISSING PERSONS. The commission
3 shall make available to each officer a voluntary advanced education
4 and training program on missing children and missing persons. The
5 program must include instruction on the associated reporting
6 requirements under Chapter 63, Code of Criminal Procedure.

7 SECTION 9. The following provisions of the Code of Criminal
8 Procedure are repealed:

- 9 (1) Articles 63.009(a-1), (a-2), and (g); and
10 (2) Article 63.0092.

11 SECTION 10. The changes in law made by this Act to Chapter
12 63, Code of Criminal Procedure, apply only to the report of a
13 missing person or missing child that is made to a law enforcement
14 agency on or after the effective date of this Act. The report of a
15 missing person or missing child that is made to a law enforcement
16 agency before the effective date of this Act is governed by the law
17 in effect when the report was made, and the former law is continued
18 in effect for that purpose.

19 SECTION 11. Section 1701.253(q), Occupations Code, as added
20 by this Act, applies only to a person who submits an application for
21 a peace officer license under Chapter 1701, Occupations Code, on or
22 after January 1, 2025. A person who submits an application for a
23 peace officer license under Chapter 1701, Occupations Code, before
24 January 1, 2025, is governed by the law in effect immediately before
25 the effective date of this Act, and the former law is continued in
26 effect for that purpose.

27 SECTION 12. Not later than December 1, 2024, the Texas

1 Commission on Law Enforcement shall:

2 (1) establish the training programs required by
3 Sections 1701.253(q) and 1701.2581, Occupations Code, as added by
4 this Act; and

5 (2) adopt the rules necessary to implement Sections
6 1701.253(q) and 1701.2581, Occupations Code, as added by this Act.

7 SECTION 13. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 2660 was passed by the House on May 2, 2023, by the following vote: Yeas 143, Nays 1, 3 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2660 on May 25, 2023, by the following vote: Yeas 142, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2660 was passed by the Senate, with amendments, on May 18, 2023, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor