

1-1 By: Hancock S.B. No. 2429
1-2 (In the Senate - Filed March 10, 2023; March 23, 2023, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 6, 2023, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 6, 2023,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Flores	X		
1-11	Bettencourt	X		
1-12	Hinojosa	X		
1-13	Huffman	X		
1-14	King	X		
1-15	Miles	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 2429 By: Flores

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to reporting procedures and training programs for law
1-20 enforcement agencies regarding missing children and missing
1-21 persons.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Article 2.13(c), Code of Criminal Procedure, is
1-24 amended to read as follows:

1-25 (c) It is the duty of every officer to take possession of a
1-26 child under Article 63.00905(g) [~~63.009(g)~~].

1-27 SECTION 2. The heading to Article 63.009, Code of Criminal
1-28 Procedure, is amended to read as follows:

1-29 Art. 63.009. LAW ENFORCEMENT REQUIREMENTS GENERALLY.

1-30 SECTION 3. Articles 63.009(a), (d), and (f), Code of
1-31 Criminal Procedure, are amended to read as follows:

1-32 (a) A law enforcement agency, on receiving a report of a
1-33 [~~missing child or~~] missing person, shall:

1-34 (1) [~~if the subject of the report is a child and the~~
1-35 ~~child is at a high risk of harm or is otherwise in danger or~~] if the
1-36 subject of the report is a person who is known by the agency to have
1-37 or is reported to have chronic dementia, including Alzheimer's
1-38 dementia, whether caused by illness, brain defect, or brain injury,
1-39 immediately start an investigation in order to determine the
1-40 present location of the [~~child or~~] person;

1-41 (2) if the subject of the report is a [~~child or~~] person
1-42 other than a [~~child or~~] person described by Subdivision (1), start
1-43 an investigation with due diligence in order to determine the
1-44 present location of the [~~child or~~] person;

1-45 (3) immediately, but not later than two hours after
1-46 receiving the report, enter the name of the [~~child or~~] person into
1-47 the clearinghouse and the national crime information center missing
1-48 person file if the [~~child or~~] person meets the center's criteria,
1-49 and report that name to the Alzheimer's Association Safe Return
1-50 emergency response center if applicable, with all available
1-51 identifying features such as dental records, fingerprints, other
1-52 physical characteristics, and a description of the clothing worn
1-53 when last seen, and all available information describing any person
1-54 reasonably believed to have taken or retained the [~~missing child~~
1-55 ~~or~~] missing person;

1-56 (4) not later than the 60th day after the date the
1-57 agency receives the report, enter the name of the [~~child or~~] person
1-58 into the National Missing and Unidentified Persons System, with all
1-59 available identifying features such as dental records,
1-60 fingerprints, other physical characteristics, and a description of

2-1 the clothing worn when last seen, and all available information
2-2 describing any person reasonably believed to have taken or retained
2-3 the ~~[missing child or]~~ missing person; and

2-4 (5) inform the person who filed the report of the
2-5 ~~[missing child or]~~ missing person that the information will be:

2-6 (A) entered into the clearinghouse, the national
2-7 crime information center missing person file, and the National
2-8 Missing and Unidentified Persons System; and

2-9 (B) reported to the Alzheimer's Association Safe
2-10 Return emergency response center if applicable.

2-11 (d) If a local law enforcement agency investigating a report
2-12 of a ~~[missing child or]~~ missing person obtains a warrant for the
2-13 arrest of a person for taking or retaining the ~~[missing child or]~~
2-14 missing person, the local law enforcement agency shall immediately
2-15 enter the name and other descriptive information of the person into
2-16 the national crime information center wanted person file if the
2-17 person meets the center's criteria. The local law enforcement
2-18 agency shall also enter all available identifying features,
2-19 including dental records, fingerprints, and other physical
2-20 characteristics of the ~~[missing child or]~~ missing person. The
2-21 information shall be cross-referenced with the information in the
2-22 national crime information center missing person file.

2-23 (f) Immediately after the return of a ~~[missing child or]~~
2-24 missing person or the identification of an unidentified body, the
2-25 local law enforcement agency having jurisdiction of the
2-26 investigation shall:

2-27 (1) clear the entry in the national crime information
2-28 center database; and

2-29 (2) notify the National Missing and Unidentified
2-30 Persons System.

2-31 SECTION 4. Subchapter A, Chapter 63, Code of Criminal
2-32 Procedure, is amended by adding Article 63.00905 to read as
2-33 follows:

2-34 Art. 63.00905. LAW ENFORCEMENT REQUIREMENTS FOR REPORT OF
2-35 MISSING CHILD. (a) Regardless of the jurisdiction in which the
2-36 child went missing, a law enforcement agency, on receiving a report
2-37 of a missing child, shall:

2-38 (1) immediately start an investigation in order to
2-39 determine the present location of the child;

2-40 (2) immediately, but not later than two hours after
2-41 receiving the report, enter the name of the child into the
2-42 clearinghouse and the national crime information center missing
2-43 person file if the child meets the center's criteria, with all
2-44 available identifying features such as dental records,
2-45 fingerprints, other physical characteristics, and a description of
2-46 the clothing worn when last seen, and all available information
2-47 describing any person reasonably believed to have taken or retained
2-48 the missing child;

2-49 (3) immediately, but not later than two hours after
2-50 the agency receives the report, enter the applicable information
2-51 into the Texas Law Enforcement Telecommunications System or a
2-52 successor system of telecommunication used by law enforcement
2-53 agencies and operated by the Department of Public Safety;

2-54 (4) not later than the 30th day after the date the
2-55 agency receives the report, enter the name of the child into the
2-56 National Missing and Unidentified Persons System, with all
2-57 available identifying features such as dental records,
2-58 fingerprints, other physical characteristics, and a description of
2-59 the clothing worn when last seen, and all available information
2-60 describing any person reasonably believed to have taken or retained
2-61 the missing child; and

2-62 (5) inform the person who filed the report of the
2-63 missing child that the information will be entered into the
2-64 clearinghouse, the national crime information center missing
2-65 person file, and the National Missing and Unidentified Persons
2-66 System.

2-67 (b) A local law enforcement agency, on receiving a report of
2-68 a child missing under the circumstances described by Article
2-69 63.001(3)(D) for a period of not less than 48 hours, shall

3-1 immediately make a reasonable effort to locate the child and
3-2 determine the well-being of the child. On determining the location
3-3 of the child, if the agency has reason to believe that the child is a
3-4 victim of abuse or neglect as defined by Section 261.001, Family
3-5 Code, the agency:

3-6 (1) shall notify the Department of Family and
3-7 Protective Services; and

3-8 (2) may take possession of the child under Subchapter
3-9 B, Chapter 262, Family Code.

3-10 (c) The Department of Family and Protective Services, on
3-11 receiving notice under Subsection (b), may initiate an
3-12 investigation into the allegation of abuse or neglect under Section
3-13 261.301, Family Code, and take possession of the child under
3-14 Chapter 262, Family Code.

3-15 (d) Information not immediately available when the original
3-16 entry is made shall be entered into the clearinghouse, the national
3-17 crime information center file, and the National Missing and
3-18 Unidentified Persons System as a supplement to the original entry
3-19 as soon as possible.

3-20 (e) If a local law enforcement agency investigating a report
3-21 of a missing child obtains a warrant for the arrest of a person for
3-22 taking or retaining the missing child, the local law enforcement
3-23 agency shall immediately enter the name and other descriptive
3-24 information of the person into the national crime information
3-25 center wanted person file if the person meets the center's
3-26 criteria. The local law enforcement agency shall also enter all
3-27 available identifying features, including dental records,
3-28 fingerprints, and other physical characteristics of the missing
3-29 child. The information shall be cross-referenced with the
3-30 information in the national crime information center missing person
3-31 file.

3-32 (f) Immediately after the return of a missing child, the
3-33 local law enforcement agency having jurisdiction of the
3-34 investigation shall:

3-35 (1) clear the entry in the national crime information
3-36 center database; and

3-37 (2) notify the National Missing and Unidentified
3-38 Persons System.

3-39 (g) On determining the location of a child, other than a
3-40 child who is subject to the continuing jurisdiction of a district
3-41 court, an officer shall take possession of the child and shall
3-42 deliver or arrange for the delivery of the child to a person
3-43 entitled to possession of the child. If the person entitled to
3-44 possession of the child is not immediately available, the law
3-45 enforcement officer shall deliver the child to the Department of
3-46 Family and Protective Services.

3-47 SECTION 5. Article 63.0091, Code of Criminal Procedure, is
3-48 amended to read as follows:

3-49 Art. 63.0091. LAW ENFORCEMENT REQUIREMENTS REGARDING
3-50 REPORTS OF CERTAIN MISSING CHILDREN. (a) The public safety
3-51 director of the Department of Public Safety shall adopt rules
3-52 regarding the procedures for a local law enforcement agency on
3-53 receiving a report of a missing child who:

3-54 (1) had been reported missing on four or more
3-55 occasions in the 24-month period preceding the date of the current
3-56 report;

3-57 (2) is in foster care or in the conservatorship of the
3-58 Department of Family and Protective Services and had been reported
3-59 missing on two or more occasions in the 24-month period preceding
3-60 the date of the current report; or

3-61 (3) is ~~under 14 years of age and otherwise determined~~
3-62 ~~by the local law enforcement agency or the Department of Public~~
3-63 ~~Safety to be~~ at a high risk of human trafficking, sexual assault,
3-64 exploitation, abuse, or neglectful supervision for any reason the
3-65 agency considers to be high risk, including because the missing
3-66 child:

3-67 (A) disappeared while in a dangerous
3-68 environment;

3-69 (B) has mental or behavioral health needs;

4-1 (C) previously exhibited signs of mental
4-2 illness;
4-3 (D) has an intellectual or developmental
4-4 disability; or
4-5 (E) is known to have been last seen or in
4-6 communication with an adult unknown to the child's family or legal
4-7 guardian.

4-8 (b) The rules adopted under this article must require that:
4-9 (1) in entering information regarding the report into
4-10 the national crime information center missing person file as
4-11 required by Article 63.00905(a)(2) [~~63.009(a)(3)~~] for a missing
4-12 child described by Subsection (a), the local law enforcement agency
4-13 shall indicate, in the manner specified in the rules, that the child
4-14 is at a high risk of harm and include relevant information
4-15 regarding:

4-16 (A) any prior occasions on which the child was
4-17 reported missing; and
4-18 (B) the circumstances considered when
4-19 designating the child as high risk; and

4-20 (2) the local law enforcement agency that receives a
4-21 report of a missing child described by Subsection (a)(3) shall:

4-22 (A) reasonably escalate the response; and
4-23 (B) immediately, but not later than two hours
4-24 after receiving the report, notify all law enforcement agencies
4-25 within 100 miles, including agencies from other states, of the
4-26 circumstances and high risk designation of the missing child.

4-27 (c) If, at the time the initial entry into the national
4-28 crime information center missing person file is made, the local law
4-29 enforcement agency has not determined that the requirements of this
4-30 article apply to the report of the missing child, the information
4-31 required by Subsection (b)(1) [~~(b)~~] must be added to the entry
4-32 promptly after the agency investigating the report or the
4-33 Department of Public Safety determines that the missing child is
4-34 described by Subsection (a).

4-35 SECTION 6. Section 1701.253, Occupations Code, is amended
4-36 by adding Subsection (q) to read as follows:

4-37 (q) As part of the minimum curriculum requirements, the
4-38 commission shall establish a basic education and training program
4-39 on missing children and missing persons, including instruction on
4-40 the associated reporting requirements under Chapter 63, Code of
4-41 Criminal Procedure. An officer shall complete the program not
4-42 later than the second anniversary of the date the officer is
4-43 licensed under this chapter unless the officer completes the
4-44 program as part of the officer's basic training course.

4-45 SECTION 7. Subchapter F, Chapter 1701, Occupations Code, is
4-46 amended by adding Section 1701.2581 to read as follows:

4-47 Sec. 1701.2581. VOLUNTARY ADVANCED EDUCATION AND TRAINING
4-48 PROGRAM ON MISSING CHILDREN AND MISSING PERSONS. The commission
4-49 shall make available to each officer a voluntary advanced education
4-50 and training program on missing children and missing persons. The
4-51 program must include instruction on the associated reporting
4-52 requirements under Chapter 63, Code of Criminal Procedure.

4-53 SECTION 8. The following provisions of the Code of Criminal
4-54 Procedure are repealed:

- 4-55 (1) Articles 63.009(a-1), (a-2), and (g); and
- 4-56 (2) Article 63.0092.

4-57 SECTION 9. The changes in law made by this Act to Chapter
4-58 63, Code of Criminal Procedure, apply only to the report of a
4-59 missing child or missing person that is made to a law enforcement
4-60 agency on or after the effective date of this Act. The report of a
4-61 missing child or missing person that is made to a law enforcement
4-62 agency before the effective date of this Act is governed by the law
4-63 in effect when the report was made, and the former law is continued
4-64 in effect for that purpose.

4-65 SECTION 10. Section 1701.253(q), Occupations Code, as added
4-66 by this Act, applies only to a person who submits an application for
4-67 a peace officer license under Chapter 1701, Occupations Code, on or
4-68 after January 1, 2025. A person who submits an application for a
4-69 peace officer license under Chapter 1701, Occupations Code, before

5-1 January 1, 2025, is governed by the law in effect immediately before
5-2 the effective date of this Act, and the former law is continued in
5-3 effect for that purpose.

5-4 SECTION 11. Not later than December 1, 2024, the Texas
5-5 Commission on Law Enforcement shall:

5-6 (1) establish the training programs required by
5-7 Sections 1701.253(q) and 1701.2581, Occupations Code, as added by
5-8 this Act; and

5-9 (2) adopt the rules necessary to implement Sections
5-10 1701.253(q) and 1701.2581, Occupations Code, as added by this Act.

5-11 SECTION 12. This Act takes effect September 1, 2023.

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