

BILL ANALYSIS

C.S.S.B. 742
By: Carona
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert that over 45,000 children were reported missing in Texas last year, many cases of which were the result of abductions or runaways. Children who have been reported missing multiple times or who have run away multiple times exemplify the type of high-risk behavior that human traffickers target. Interested parties note that Texas law enforcement currently uses the established national crime information center database for reporting missing children but that there is no single unified process to allow law enforcement in different jurisdictions to submit reports of attempted child abductions or to report or document the activity of habitual runaways. To better protect child abductees and habitual runaways who are at an enhanced risk for human trafficking and to provide law enforcement with the necessary tools to track attempted child abductions and better identify these high-risk populations, C.S.S.B. 742 seeks to establish requirements for reporting certain missing children or attempted child abductions and for education and training of certain peace officers regarding missing or exploited children and seeks to authorize the awarding of missing or exploited children prevention grants to certain nonprofit organizations.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the public safety director of the Department of Public Safety in SECTIONS 7 and 12 of this bill, the Department of Public Safety in SECTIONS 9 and 12 of this bill, and the Commission on Law Enforcement Officer Standards and Education in SECTIONS 10 and 12 of this bill.

ANALYSIS

C.S.S.B. 742 amends the Code of Criminal Procedure to include information on attempted child abductions in the missing children and missing persons information clearinghouse established within the Department of Public Safety (DPS). The bill requires the clearinghouse to receive and maintain information on attempted child abductions in Texas. The bill requires the missing children and missing person report forms distributed by DPS to be in a format that will allow a seamless transfer of that information to the national crime information center. The bill requires a law enforcement officer or local law enforcement agency reporting an attempted child abduction to the clearinghouse to make the report by use of the Texas Law Enforcement Telecommunications System or a successor system of telecommunication used by law enforcement agencies and operated by DPS. The bill requires a local law enforcement agency, on receiving a report, on or after January 1, 2014, of an attempted child abduction to immediately, but not later than eight hours after receiving the report, provide any relevant information regarding the attempted child abduction to the clearinghouse. The bill specifies that, for purposes of provisions relating to the clearinghouse, attempted child abduction does not include an attempted abduction in which the actor was a relative of the person intended to be abducted.

C.S.S.B. 742 requires the public safety director of DPS to adopt rules regarding the procedures for a local law enforcement agency on receiving a report of a missing child who had been reported missing on four or more occasions in the 24-month period preceding the date of the

current report or who is in foster care or in the conservatorship of the Department of Family and Protective Services and had been reported missing on two or more occasions in the 24-month period preceding the date of the current report. The bill requires such rules to require a local law enforcement agency, in entering information regarding the report into the national crime information center missing person file for such a missing child, to indicate, in the manner specified in the rules, that the child is endangered and to include relevant information regarding the prior occasions on which the child was reported missing. The bill requires such information to be added to the entry promptly after the agency investigating the report determines that the missing child has such a history, if the agency did not determine at the time the initial entry was made that the entry requirements applied to the missing child report. The bill requires each law enforcement agency to provide to the clearinghouse any information regarding an attempted child abduction that has been reported to the agency or that the agency has received from any person or another agency. These law enforcement requirements apply to a missing child report that is received by a law enforcement agency on or after January 1, 2014.

C.S.S.B. 742 amends the Government Code to authorize DPS to award a grant to certain nonprofit organizations operating in Texas that offer programs and provide information on child and Internet safety and the prevention of child abductions and child sexual exploitation to provide such programs and information to assist DPS in the performance of DPS's duties related to missing or exploited children, including any duty related to the missing children and missing persons information clearinghouse. The bill authorizes DPS to adopt rules to implement the grants.

C.S.S.B. 742 amends the Occupations Code to require a peace officer or reserve law enforcement officer, as a requirement for an intermediate or advanced proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education (TCLEOSE) on or after January 1, 2015, to complete an education and training program on missing and exploited children. The bill requires TCLEOSE by rule to establish the program, which must consist of at least four hours of training, include instruction on reporting an attempted child abduction to the missing children and missing persons information clearinghouse, include instruction on responding to and investigating situations in which the Internet is used to commit crimes against children, and include a review of the substance of statutory provisions relating to kidnapping, unlawful restraint, smuggling of persons, and public indecency.

C.S.S.B. 742 requires DPS, the public safety director of DPS, and TCLEOSE, not later than January 1, 2014, to adopt the rules and forms, as applicable, necessary to implement the bill's provisions.

C.S.S.B. 742 repeals Article 63.001(5), Code of Criminal Procedure.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.S.B. 742 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Article 63.001, Code of Criminal Procedure, is amended.	SECTION 1. Same as engrossed version.

SECTION 2. Subchapter A, Chapter 63, Code of Criminal Procedure, is amended.

SECTION 2. Same as engrossed version.

SECTION 3. Article 63.003, Code of Criminal Procedure, is amended.

SECTION 3. Same as engrossed version.

No equivalent provision.

SECTION 4. Article 63.004(a), Code of Criminal Procedure, is amended to read as follows:

(a) The Department of Public Safety shall distribute missing children and missing person report forms. The forms must be in a format that will allow a seamless transfer of that information to the national crime information center.

SECTION 4. Subchapter A, Chapter 63, Code of Criminal Procedure, is amended.

SECTION 5. Same as engrossed version.

SECTION 5. Article 63.009, Code of Criminal Procedure, is amended.

SECTION 6. Same as engrossed version.

SECTION 6. Subchapter A, Chapter 63, Code of Criminal Procedure, is amended.

SECTION 7. Same as engrossed version.

SECTION 7. Article 63.013, Code of Criminal Procedure, is amended.

SECTION 8. Same as engrossed version.

SECTION 8. Subchapter A, Chapter 411, Government Code, is amended.

SECTION 9. Same as engrossed version.

SECTION 9. Section 1701.402, Occupations Code, is amended.

SECTION 10. Same as engrossed version.

SECTION 10. Subdivision (5), Article 63.001, Code of Criminal Procedure, is repealed.

SECTION 11. Substantially the same as engrossed version.

SECTION 11. Not later than January 1, 2014:

(1) the Commission on Law Enforcement Officer Standards and Education shall adopt the rules necessary to implement Subsection (k), Section 1701.402, Occupations Code, as added by this Act; and

SECTION 12. Substantially the same as engrossed version.

(2) the Department of Public Safety of the State of Texas and the public safety director of the department shall adopt rules and forms necessary to implement Chapter 63, Code of Criminal Procedure, as amended by this Act.

SECTION 12. (a) The change in law made by this Act in adding Article 63.0091, Code of Criminal Procedure, applies to a missing child report that is received by a law enforcement agency on or after January 1, 2014.

(b) The change in law made by this Act in adding Subsection (a-1), Article 63.009, Code of Criminal Procedure, and amending Article 63.013, Code of Criminal Procedure, applies to an attempted child abduction that is reported to a law enforcement agency on or after January 1, 2014.

SECTION 13. This Act takes effect September 1, 2013.

SECTION 13. Substantially the same as engrossed version.

SECTION 14. Same as engrossed version.