

By: Guillen

H.B. No. 60

A BILL TO BE ENTITLED

AN ACT

relating to the failure to report a missing child or the death of a child; providing penalties.

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

SECTION 1. This Act shall be known as Caylee's Law.

SECTION 2. Chapter 38, Penal Code, is amended by adding Sections 38.20 and 38.21 to read as follows:

Sec. 38.20. FAILURE TO REPORT MISSING CHILD. (a) A person who has custody, care, or control of a child commits an offense if the person:

(1) knows or should have known that the child disappeared or otherwise became missing while in the person's custody, care, or control; and

(2) does not make a timely report to law enforcement authorities that the child disappeared or became missing.

(b) In this section, "child" means a person younger than 18 years of age.

(c) Except as provided by Subsection (d), an offense under this section is a Class A misdemeanor.

(d) An offense under this section is a state jail felony if the child suffers serious bodily injury, permanent disability, or permanent disfigurement while missing.

Sec. 38.21. FAILURE TO REPORT DEATH OF CHILD. (a) A person who has custody, care, or control of a child commits an offense if

1 the person:

2 (1) knows or should have known that the child died
3 while in the person's custody, care, or control; and

4 (2) does not make a timely report of the child's death
5 to law enforcement authorities or to the county coroner, medical
6 examiner, or justice of the peace acting as coroner or medical
7 examiner.

8 (b) In this section, "child" means a person younger than 18
9 years of age.

10 (c) An offense under this section is a state jail felony.

11 (d) It is a defense to prosecution under this section that
12 the child died:

13 (1) in a medical facility; or

14 (2) in the care of a physician, a health care
15 practitioner, or emergency services personnel and was subsequently
16 pronounced dead by a person legally authorized to make that
17 determination.

18 SECTION 3. This Act takes effect September 1, 2013.