

By: Herrero

H.B. No. 3062

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) with the intent to conceal an offense, other than an offense under this section, does not within 24 hours of discovering that the child disappeared or became missing make a 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

1 permanent disfigurement while missing.

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

5 (1) knows or should have known that the child died by
6 homicide or under other suspicious circumstances while in the
7 person's custody, care, or control; and

8 (2) does not within six hours of discovering the
9 child's death make a report of the child's death to:

10 (A) law enforcement authorities; or

11 (B) the county coroner, medical examiner, or
12 justice of the peace acting as coroner or medical examiner.

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

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

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

18 (1) in a medical facility; or

19 (2) in the care of a physician, a health care
20 practitioner, or emergency services personnel and was subsequently
21 pronounced dead by a person legally authorized to make that
22 determination.

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