

By: Carona

S.B. No. 742

A BILL TO BE ENTITLED

1 AN ACT
2 relating to reports of missing children or attempted child
3 abductions and to education and training for peace officers
4 regarding missing or exploited children.

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

6 SECTION 1. Article 63.001, Code of Criminal Procedure, is
7 amended by amending Subdivision (1) and adding Subdivision (1-a) to
8 read as follows:

9 (1) "Abduct" has the meaning assigned by Section
10 20.01, Penal Code.

11 (1-a) "Child" means a person under 18 years of age.

12 SECTION 2. Subchapter A, Chapter 63, Code of Criminal
13 Procedure, is amended by adding Article 63.0016 to read as follows:

14 Art. 63.0016. ATTEMPTED CHILD ABDUCTION BY RELATIVE. For
15 purposes of this chapter, "attempted child abduction" does not
16 include an attempted abduction in which the actor was a relative, as
17 defined by Section 20.01, Penal Code, of the person intended to be
18 abducted.

19 SECTION 3. Article 63.003, Code of Criminal Procedure, is
20 amended to read as follows:

21 Art. 63.003. FUNCTION OF CLEARINGHOUSE. (a) The
22 clearinghouse is a central repository of information on missing
23 children, ~~and~~ missing persons, and attempted child abductions.

24 (b) The clearinghouse shall:

1 (1) establish a system of intrastate communication of
2 information relating to missing children and missing persons;

3 (2) provide a centralized file for the exchange of
4 information on missing children, missing persons, and unidentified
5 dead bodies within the state;

6 (3) communicate with the national crime information
7 center for the exchange of information on missing children and
8 missing persons suspected of interstate travel;

9 (4) collect, process, maintain, and disseminate
10 accurate and complete information on missing children and missing
11 persons;

12 (5) provide a statewide toll-free telephone line for
13 the reporting of missing children and missing persons and for
14 receiving information on missing children and missing persons;
15 [~~and~~]

16 (6) provide and disseminate to legal custodians, law
17 enforcement agencies, and the Texas Education Agency information
18 that explains how to prevent child abduction and what to do if a
19 child becomes missing; and

20 (7) receive and maintain information on attempted
21 child abductions in this state.

22 SECTION 4. Subchapter A, Chapter 63, Code of Criminal
23 Procedure, is amended by adding Article 63.0041 to read as follows:

24 Art. 63.0041. REPORTING OF ATTEMPTED CHILD ABDUCTION. A
25 law enforcement officer or local law enforcement agency reporting
26 an attempted child abduction to the clearinghouse shall make the
27 report by use of the Texas Law Enforcement Telecommunications

1 System or a successor system of telecommunication used by law
2 enforcement agencies and operated by the Department of Public
3 Safety.

4 SECTION 5. Article 63.009, Code of Criminal Procedure, is
5 amended by adding Subsection (a-1) to read as follows:

6 (a-1) A local law enforcement agency, on receiving a report
7 of an attempted child abduction, shall immediately, but not later
8 than eight hours after receiving the report, provide any relevant
9 information regarding the attempted child abduction to the
10 clearinghouse.

11 SECTION 6. Subchapter A, Chapter 63, Code of Criminal
12 Procedure, is amended by adding Article 63.0091 to read as follows:

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

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

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

25 (b) The rules adopted under this article must require that
26 in entering information regarding the report into the national
27 crime information center missing person file as required by Article

1 63.009(a)(3) for a missing child described by Subsection (a), the
2 local law enforcement agency shall indicate, in the manner
3 specified in the rules, that the child is endangered and include
4 relevant information regarding the prior occasions on which the
5 child was reported missing.

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

13 SECTION 7. Article 63.013, Code of Criminal Procedure, is
14 amended to read as follows:

15 Art. 63.013. INFORMATION TO CLEARINGHOUSE. Each law
16 enforcement agency shall provide to the missing children and
17 missing persons information clearinghouse:

18 (1) any information that would assist in the location
19 or identification of any missing child who has been reported to the
20 agency as missing; and

21 (2) any information regarding an attempted child
22 abduction that has been reported to the agency or that the agency
23 has received from any person or another agency.

24 SECTION 8. Subchapter A, Chapter 411, Government Code, is
25 amended by adding Section 411.0133 to read as follows:

26 Sec. 411.0133. MISSING OR EXPLOITED CHILDREN PREVENTION
27 GRANTS. (a) In this section, "nonprofit organization" has the

1 meaning assigned by Section 403.351.

2 (b) This section applies to a nonprofit organization that is
3 formed to offer programs and provide information to parents or
4 other legal custodians, children, schools, public officials,
5 organizations serving youths, nonprofit organizations, and the
6 general public concerning child safety and Internet safety and the
7 prevention of child abductions and child sexual exploitation.

8 (c) The department may award a grant to a nonprofit
9 organization described by Subsection (b) that is operating in this
10 state to provide programs and information described by that
11 subsection to assist the department in the performance of the
12 department's duties related to missing or exploited children,
13 including any duty related to the missing children and missing
14 persons information clearinghouse under Chapter 63, Code of
15 Criminal Procedure.

16 (d) The department may adopt rules to implement this
17 section.

18 SECTION 9. Section 1701.402, Occupations Code, is amended
19 by adding Subsection (k) to read as follows:

20 (k) As a requirement for an intermediate or advanced
21 proficiency certificate issued by the commission on or after
22 January 1, 2015, an officer must complete an education and training
23 program on missing and exploited children. The commission by rule
24 shall establish the program. The program must:

25 (1) consist of at least four hours of training;

26 (2) include instruction on reporting an attempted
27 child abduction to the missing children and missing persons

1 information clearinghouse under Chapter 63, Code of Criminal
2 Procedure;

3 (3) include instruction on responding to and
4 investigating situations in which the Internet is used to commit
5 crimes against children; and

6 (4) include a review of the substance of Chapters 20
7 and 43, Penal Code.

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

10 SECTION 11. Not later than January 1, 2014:

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

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

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

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

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