

By: Carona
(Frullo)

S.B. No. 742

Substitute the following for S.B. No. 742:

By: Kleinschmidt

C.S.S.B. No. 742

A BILL TO BE ENTITLED

1 AN ACT
2 relating to reports of missing children, missing persons, or
3 attempted child abductions and to education and training for peace
4 officers 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. Article 63.004(a), Code of Criminal Procedure,
23 is amended to read as follows:

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

1 SECTION 5. Subchapter A, Chapter 63, Code of Criminal
2 Procedure, is amended by adding Article 63.0041 to read as follows:

3 Art. 63.0041. REPORTING OF ATTEMPTED CHILD ABDUCTION. A
4 law enforcement officer or local law enforcement agency reporting
5 an attempted child abduction to the clearinghouse shall make the
6 report by use of the Texas Law Enforcement Telecommunications
7 System or a successor system of telecommunication used by law
8 enforcement agencies and operated by the Department of Public
9 Safety.

10 SECTION 6. Article 63.009, Code of Criminal Procedure, is
11 amended by adding Subsection (a-1) to read as follows:

12 (a-1) A local law enforcement agency, on receiving a report
13 of an attempted child abduction, shall immediately, but not later
14 than eight hours after receiving the report, provide any relevant
15 information regarding the attempted child abduction to the
16 clearinghouse.

17 SECTION 7. Subchapter A, Chapter 63, Code of Criminal
18 Procedure, is amended by adding Article 63.0091 to read as follows:

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

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

27 (2) is in foster care or in the conservatorship of the

1 Department of Family and Protective Services and had been reported
2 missing on two or more occasions in the 24-month period preceding
3 the date of the current report.

4 (b) The rules adopted under this article must require that
5 in entering information regarding the report into the national
6 crime information center missing person file as required by Article
7 63.009(a)(3) for a missing child described by Subsection (a), the
8 local law enforcement agency shall indicate, in the manner
9 specified in the rules, that the child is endangered and include
10 relevant information regarding the prior occasions on which the
11 child was reported missing.

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

19 SECTION 8. Article 63.013, Code of Criminal Procedure, is
20 amended to read as follows:

21 Art. 63.013. INFORMATION TO CLEARINGHOUSE. Each law
22 enforcement agency shall provide to the missing children and
23 missing persons information clearinghouse:

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

27 (2) any information regarding an attempted child

1 abduction that has been reported to the agency or that the agency
2 has received from any person or another agency.

3 SECTION 9. Subchapter A, Chapter 411, Government Code, is
4 amended by adding Section 411.0133 to read as follows:

5 Sec. 411.0133. MISSING OR EXPLOITED CHILDREN PREVENTION
6 GRANTS. (a) In this section, "nonprofit organization" has the
7 meaning assigned by Section 403.351.

8 (b) This section applies to a nonprofit organization that is
9 formed to offer programs and provide information to parents or
10 other legal custodians, children, schools, public officials,
11 organizations serving youths, nonprofit organizations, and the
12 general public concerning child safety and Internet safety and the
13 prevention of child abductions and child sexual exploitation.

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

22 (d) The department may adopt rules to implement this
23 section.

24 SECTION 10. Section 1701.402, Occupations Code, is amended
25 by adding Subsection (k) to read as follows:

26 (k) As a requirement for an intermediate or advanced
27 proficiency certificate issued by the commission on or after

1 January 1, 2015, an officer must complete an education and training
2 program on missing and exploited children. The commission by rule
3 shall establish the program. The program must:

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

5 (2) include instruction on reporting an attempted
6 child abduction to the missing children and missing persons
7 information clearinghouse under Chapter 63, Code of Criminal
8 Procedure;

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

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

14 SECTION 11. Article 63.001(5), Code of Criminal Procedure,
15 is repealed.

16 SECTION 12. Not later than January 1, 2014:

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

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

25 SECTION 13. (a) The change in law made by this Act in adding
26 Article 63.0091, Code of Criminal Procedure, applies to a missing
27 child report that is received by a law enforcement agency on or

1 after January 1, 2014.

2 (b) The change in law made by this Act in adding Article
3 63.009(a-1), Code of Criminal Procedure, and amending Article
4 63.013, Code of Criminal Procedure, applies to an attempted child
5 abduction that is reported to a law enforcement agency on or after
6 January 1, 2014.

7 SECTION 14. This Act takes effect September 1, 2013.