

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. Article 63.003, Code of Criminal Procedure, is
13 amended to read as follows:

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

17 (b) The clearinghouse shall:

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

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

23 (3) communicate with the national crime information
24 center for the exchange of information on missing children and

1 missing persons suspected of interstate travel;

2 (4) collect, process, maintain, and disseminate
3 accurate and complete information on missing children and missing
4 persons;

5 (5) provide a statewide toll-free telephone line for
6 the reporting of missing children and missing persons and for
7 receiving information on missing children and missing persons;
8 ~~and~~

9 (6) provide and disseminate to legal custodians, law
10 enforcement agencies, and the Texas Education Agency information
11 that explains how to prevent child abduction and what to do if a
12 child becomes missing;

13 (7) receive and maintain information on attempted
14 child abductions in this state;

15 (8) provide for the exchange of information regarding
16 attempted child abductions between the clearinghouse and the
17 National Center for Missing and Exploited Children or other similar
18 national nonprofit organization; and

19 (9) provide information regarding attempted child
20 abductions to local law enforcement agencies to assist in locating
21 or identifying other missing children.

22 SECTION 3. Article 63.004, Code of Criminal Procedure, is
23 amended to read as follows:

24 Art. 63.004. REPORT FORMS. (a) The Department of Public
25 Safety shall distribute [~~missing children and missing person~~
26 ~~report~~] forms to report:

27 (1) a missing child;

1 (2) a missing person; or

2 (3) an attempted child abduction.

3 (b) A [~~missing child or missing person~~] report may be made
4 to a law enforcement officer authorized by that department to
5 receive reports in person or by telephone or other indirect method
6 of communication and the officer may enter the information on the
7 form for the reporting person. A report form may also be completed
8 by the reporting person and delivered to a law enforcement officer.

9 SECTION 4. Article 63.009, Code of Criminal Procedure, is
10 amended by adding Subsections (a-1) and (a-2) to read as follows:

11 (a-1) In entering information regarding a report of a
12 missing child into the national crime information center missing
13 person file as required by Subsection (a)(3), the local law
14 enforcement agency shall indicate in the entry that the missing
15 child is in danger if:

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

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

23 (a-2) A local law enforcement agency, on receiving a report
24 of an attempted child abduction, shall immediately, but not later
25 than two hours after receiving the report, provide any relevant
26 information regarding the attempted child abduction to the
27 clearinghouse and the National Center for Missing and Exploited

1 Children or other similar national nonprofit organization.

2 SECTION 5. Article 63.013, Code of Criminal Procedure, is
3 amended to read as follows:

4 Art. 63.013. INFORMATION TO CLEARINGHOUSE. Each law
5 enforcement agency shall provide to the missing children and
6 missing persons information clearinghouse:

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

10 (2) any information regarding an attempted child
11 abduction that the agency has jurisdiction to investigate.

12 SECTION 6. Subchapter A, Chapter 411, Government Code, is
13 amended by adding Section 411.0133 to read as follows:

14 Sec. 411.0133. MISSING OR EXPLOITED CHILDREN. (a) In this
15 section, "nonprofit organization" has the meaning assigned by
16 Section 403.351.

17 (b) This section applies to a nonprofit organization that is
18 formed to provide to state and local law enforcement agencies,
19 parents or other legal custodians, and children on a nationwide
20 basis resources and information regarding missing or exploited
21 children.

22 (c) The department may contract with a nonprofit
23 organization described by Subsection (b) to provide services to
24 assist the department in the performance of the department's duties
25 related to missing or exploited children, including any duty
26 related to the missing children and missing persons information
27 clearinghouse under Chapter 63, Code of Criminal Procedure.

1 SECTION 7. Subchapter F, Chapter 1701, Occupations Code, is
2 amended by adding Section 1701.260 to read as follows:

3 Sec. 1701.260. EDUCATION AND TRAINING PROGRAM ON MISSING OR
4 EXPLOITED CHILDREN. The commission by rule shall require an
5 officer first licensed by the commission on or after January 1,
6 2015, to complete within a reasonable time after obtaining the
7 license a one-time education and training program on missing or
8 exploited children. The program must:

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

10 (2) include instruction on reporting an attempted
11 child abduction to the missing children and missing persons
12 information clearinghouse under Chapter 63, Code of Criminal
13 Procedure;

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

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

19 SECTION 8. Section 1701.402, Occupations Code, is amended
20 by adding Subsection (k) to read as follows:

21 (k) As a requirement for an intermediate or advanced
22 proficiency certificate issued by the commission on or after
23 January 1, 2015, an officer must complete the education and
24 training program on missing or exploited children described by
25 Section 1701.260.

26 SECTION 9. Article 63.001(5), Code of Criminal Procedure,
27 is repealed.

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

2 (1) the Commission on Law Enforcement Officer
3 Standards and Education shall adopt the rules necessary to
4 implement Section 1701.260, Occupations Code, as added by this Act;
5 and

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

10 SECTION 11. (a) The change in law made by this Act in adding
11 Article 63.009(a-1), Code of Criminal Procedure, applies to a
12 missing child report that is received by a law enforcement agency on
13 or after January 1, 2014.

14 (b) The change in law made by this Act in adding Article
15 63.009(a-2), Code of Criminal Procedure, and amending Article
16 63.013, Code of Criminal Procedure, applies to an attempted child
17 abduction that is reported to a law enforcement agency on or after
18 January 1, 2014.

19 SECTION 12. This Act takes effect September 1, 2013.