

1-1 By: Carona S.B. No. 742
 1-2 (In the Senate - Filed February 22, 2013; February 26, 2013,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 March 25, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 5, Nays 0; March 25, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13			X	
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 742 By: Schwertner

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to reports of missing children or attempted child
 1-20 abductions and to education and training for peace officers
 1-21 regarding missing or exploited children.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Article 63.001, Code of Criminal Procedure, is
 1-24 amended by amending Subdivision (1) and adding Subdivision (1-a) to
 1-25 read as follows:

1-26 (1) "Abduct" has the meaning assigned by Section
 1-27 20.01, Penal Code.

1-28 (1-a) "Child" means a person under 18 years of age.

1-29 SECTION 2. Subchapter A, Chapter 63, Code of Criminal
 1-30 Procedure, is amended by adding Article 63.0016 to read as follows:

1-31 Art. 63.0016. ATTEMPTED CHILD ABDUCTION BY RELATIVE. For
 1-32 purposes of this chapter, "attempted child abduction" does not
 1-33 include an attempted abduction in which the actor was a relative, as
 1-34 defined by Section 20.01, Penal Code, of the person intended to be
 1-35 abducted.

1-36 SECTION 3. Article 63.003, Code of Criminal Procedure, is
 1-37 amended to read as follows:

1-38 Art. 63.003. FUNCTION OF CLEARINGHOUSE. (a) The
 1-39 clearinghouse is a central repository of information on missing
 1-40 children, ~~and~~ missing persons, and attempted child abductions.

1-41 (b) The clearinghouse shall:

1-42 (1) establish a system of intrastate communication of
 1-43 information relating to missing children and missing persons;

1-44 (2) provide a centralized file for the exchange of
 1-45 information on missing children, missing persons, and unidentified
 1-46 dead bodies within the state;

1-47 (3) communicate with the national crime information
 1-48 center for the exchange of information on missing children and
 1-49 missing persons suspected of interstate travel;

1-50 (4) collect, process, maintain, and disseminate
 1-51 accurate and complete information on missing children and missing
 1-52 persons;

1-53 (5) provide a statewide toll-free telephone line for
 1-54 the reporting of missing children and missing persons and for
 1-55 receiving information on missing children and missing persons;
 1-56 ~~and~~

1-57 (6) provide and disseminate to legal custodians, law
 1-58 enforcement agencies, and the Texas Education Agency information
 1-59 that explains how to prevent child abduction and what to do if a
 1-60 child becomes missing; and

2-1 (7) receive and maintain information on attempted
2-2 child abductions in this state.

2-3 SECTION 4. Subchapter A, Chapter 63, Code of Criminal
2-4 Procedure, is amended by adding Article 63.0041 to read as follows:

2-5 Art. 63.0041. REPORTING OF ATTEMPTED CHILD ABDUCTION. A
2-6 law enforcement officer or local law enforcement agency reporting
2-7 an attempted child abduction to the clearinghouse shall make the
2-8 report by use of the Texas Law Enforcement Telecommunications
2-9 System or a successor system of telecommunication used by law
2-10 enforcement agencies and operated by the Department of Public
2-11 Safety.

2-12 SECTION 5. Article 63.009, Code of Criminal Procedure, is
2-13 amended by adding Subsection (a-1) to read as follows:

2-14 (a-1) A local law enforcement agency, on receiving a report
2-15 of an attempted child abduction, shall immediately, but not later
2-16 than eight hours after receiving the report, provide any relevant
2-17 information regarding the attempted child abduction to the
2-18 clearinghouse.

2-19 SECTION 6. Subchapter A, Chapter 63, Code of Criminal
2-20 Procedure, is amended by adding Article 63.0091 to read as follows:

2-21 Art. 63.0091. LAW ENFORCEMENT REQUIREMENTS REGARDING
2-22 REPORTS OF CERTAIN MISSING CHILDREN. (a) The public safety
2-23 director of the Department of Public Safety shall adopt rules
2-24 regarding the procedures for a local law enforcement agency on
2-25 receiving a report of a missing child who:

2-26 (1) had been reported missing on four or more
2-27 occasions in the 24-month period preceding the date of the current
2-28 report; or

2-29 (2) is in foster care or in the conservatorship of the
2-30 Department of Family and Protective Services and had been reported
2-31 missing on two or more occasions in the 24-month period preceding
2-32 the date of the current report.

2-33 (b) The rules adopted under this article must require that
2-34 in entering information regarding the report into the national
2-35 crime information center missing person file as required by Article
2-36 63.009(a)(3) for a missing child described by Subsection (a), the
2-37 local law enforcement agency shall indicate, in the manner
2-38 specified in the rules, that the child is endangered and include
2-39 relevant information regarding the prior occasions on which the
2-40 child was reported missing.

2-41 (c) If, at the time the initial entry into the national
2-42 crime information center missing person file is made, the local law
2-43 enforcement agency has not determined that the requirements of this
2-44 article apply to the report of the missing child, the information
2-45 required by Subsection (b) must be added to the entry promptly after
2-46 the agency investigating the report determines that the missing
2-47 child is described by Subsection (a).

2-48 SECTION 7. Article 63.013, Code of Criminal Procedure, is
2-49 amended to read as follows:

2-50 Art. 63.013. INFORMATION TO CLEARINGHOUSE. Each law
2-51 enforcement agency shall provide to the missing children and
2-52 missing persons information clearinghouse:

2-53 (1) any information that would assist in the location
2-54 or identification of any missing child who has been reported to the
2-55 agency as missing; and

2-56 (2) any information regarding an attempted child
2-57 abduction that has been reported to the agency or that the agency
2-58 has received from any person or another agency.

2-59 SECTION 8. Subchapter A, Chapter 411, Government Code, is
2-60 amended by adding Section 411.0133 to read as follows:

2-61 Sec. 411.0133. MISSING OR EXPLOITED CHILDREN PREVENTION
2-62 GRANTS. (a) In this section, "nonprofit organization" has the
2-63 meaning assigned by Section 403.351.

2-64 (b) This section applies to a nonprofit organization that is
2-65 formed to offer programs and provide information to parents or
2-66 other legal custodians, children, schools, public officials,
2-67 organizations serving youths, nonprofit organizations, and the
2-68 general public concerning child safety and Internet safety and the
2-69 prevention of child abductions and child sexual exploitation.

3-1 (c) The department may award a grant to a nonprofit
3-2 organization described by Subsection (b) that is operating in this
3-3 state to provide programs and information described by that
3-4 subsection to assist the department in the performance of the
3-5 department's duties related to missing or exploited children,
3-6 including any duty related to the missing children and missing
3-7 persons information clearinghouse under Chapter 63, Code of
3-8 Criminal Procedure.

3-9 (d) The department may adopt rules to implement this
3-10 section.

3-11 SECTION 9. Section 1701.402, Occupations Code, is amended
3-12 by adding Subsection (k) to read as follows:

3-13 (k) As a requirement for an intermediate or advanced
3-14 proficiency certificate issued by the commission on or after
3-15 January 1, 2015, an officer must complete an education and training
3-16 program on missing and exploited children. The commission by rule
3-17 shall establish the program. The program must:

3-18 (1) consist of at least four hours of training;

3-19 (2) include instruction on reporting an attempted
3-20 child abduction to the missing children and missing persons
3-21 information clearinghouse under Chapter 63, Code of Criminal
3-22 Procedure;

3-23 (3) include instruction on responding to and
3-24 investigating situations in which the Internet is used to commit
3-25 crimes against children; and

3-26 (4) include a review of the substance of Chapters 20
3-27 and 43, Penal Code.

3-28 SECTION 10. Subdivision (5), Article 63.001, Code of
3-29 Criminal Procedure, is repealed.

3-30 SECTION 11. Not later than January 1, 2014:

3-31 (1) the Commission on Law Enforcement Officer
3-32 Standards and Education shall adopt the rules necessary to
3-33 implement Subsection (k), Section 1701.402, Occupations Code, as
3-34 added by this Act; and

3-35 (2) the Department of Public Safety of the State of
3-36 Texas and the public safety director of the department shall adopt
3-37 rules and forms necessary to implement Chapter 63, Code of Criminal
3-38 Procedure, as amended by this Act.

3-39 SECTION 12. (a) The change in law made by this Act in
3-40 adding Article 63.0091, Code of Criminal Procedure, applies to a
3-41 missing child report that is received by a law enforcement agency on
3-42 or after January 1, 2014.

3-43 (b) The change in law made by this Act in adding Subsection
3-44 (a-1), Article 63.009, Code of Criminal Procedure, and amending
3-45 Article 63.013, Code of Criminal Procedure, applies to an attempted
3-46 child abduction that is reported to a law enforcement agency on or
3-47 after January 1, 2014.

3-48 SECTION 13. This Act takes effect September 1, 2013.

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