

By: Frullo, Dale

H.B. No. 1793

A BILL TO BE ENTITLED

AN ACT

relating to reports of certain missing children and to the administration of missing or exploited children prevention grants.

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

SECTION 1. Article 63.009(a), Code of Criminal Procedure, is amended to read as follows:

(a) Local law enforcement agencies, on receiving a report of a missing child or a missing person, shall:

(1) if the subject of the report is a child and the ~~[well-being of the]~~ child is at a high risk of harm or is otherwise in danger or if the subject of the report is a person who is known by the agency to have or is reported to have chronic dementia, including Alzheimer's dementia, whether caused by illness, brain defect, or brain injury, immediately start an investigation in order to determine the present location of the child or person;

(2) if the subject of the report is a child or person other than a child or person described by Subdivision (1), start an investigation with due diligence in order to determine the present location of the child or person;

(3) immediately, but not later than two hours after receiving the report, enter the name of the child or person into the clearinghouse, the national crime information center missing person file if the child or person meets the center's criteria, and the Alzheimer's Association Safe Return crisis number, if

1 applicable, with all available identifying features such as dental  
2 records, fingerprints, other physical characteristics, and a  
3 description of the clothing worn when last seen, and all available  
4 information describing any person reasonably believed to have taken  
5 or retained the missing child or missing person; and

6 (4) inform the person who filed the report of the  
7 missing child or missing person that the information will be  
8 entered into the clearinghouse, the national crime information  
9 center missing person file, and the Alzheimer's Association Safe  
10 Return crisis number, if applicable.

11 SECTION 2. Article 63.0091, Code of Criminal Procedure, is  
12 amended 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; or

25 (3) is under 14 years of age and otherwise determined  
26 by the local law enforcement agency or the Department of Public  
27 Safety to be at a high risk of human trafficking, sexual assault,

1 exploitation, abuse, or neglectful supervision.

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

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

18 SECTION 3. Subchapter A, Chapter 63, Code of Criminal  
19 Procedure, is amended by adding Article 63.0092 to read as follows:

20 Art. 63.0092. OPTION TO DESIGNATE MISSING CHILD AS HIGH  
21 RISK. (a) This article applies to a report of a missing child who is  
22 at least 14 years of age and who a local law enforcement agency or  
23 the Department of Public Safety determines is at a high risk of  
24 human trafficking, sexual assault, exploitation, abuse, or  
25 neglectful supervision.

26 (b) In entering information regarding a report described by  
27 Subsection (a) into the national crime information center missing

1 person file as required by Article 63.009(a)(3), the local law  
2 enforcement agency may indicate that the child is at a high risk of  
3 harm and may include any other relevant information.

4 SECTION 4. Section 411.0133, Government Code, is  
5 transferred to Chapter 772, Government Code, redesignated as  
6 Section 772.0072, Government Code, and amended to read as follows:

7 Sec. 772.0072 [~~411.0133~~]. MISSING OR EXPLOITED CHILDREN  
8 PREVENTION GRANTS. (a) In this section, "nonprofit organization"  
9 means an organization exempt from federal income taxation under  
10 Section 501(a), Internal Revenue Code of 1986, as an organization  
11 described by Section 501(c)(3) of that code [~~has the meaning~~  
12 ~~assigned by Section 403.351~~].

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

19 (c) The criminal justice division established under Section  
20 772.006 [~~department~~] may award a grant to a nonprofit organization  
21 described by Subsection (b) that is operating in this state to  
22 provide programs and information described by that subsection to  
23 assist the Department of Public Safety [~~department~~] in the  
24 performance of its [~~the department's~~] duties related to missing or  
25 exploited children, including any duty related to the missing  
26 children and missing persons information clearinghouse under  
27 Chapter 63, Code of Criminal Procedure.

1           ~~[(d) The department may adopt rules to implement this~~  
2 ~~section.]~~

3           SECTION 5. Articles 63.009(a) and 63.0091, Code of Criminal  
4 Procedure, as amended by this Act, and Article 63.0092, Code of  
5 Criminal Procedure, as added by this Act, apply only to a missing  
6 child report that is received by a law enforcement agency on or  
7 after the effective date of this Act. A report that is received  
8 before the effective date of this Act is governed by the law in  
9 effect on the date the report was received, and the former law is  
10 continued in effect for that purpose.

11           SECTION 6. This Act takes effect September 1, 2015.