

By: Rose

H.B. No. 3942

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the protection of certain children through the
3 operation of the child safety check alert list and training for law
4 enforcement officers relating to the child safety check alert list.

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

6 SECTION 1. Article 2.272, Code of Criminal Procedure, is
7 amended to read as follows:

8 Art. 2.272. LAW ENFORCEMENT OFFICER RESPONSE TO CHILD
9 SAFETY CHECK ALERT. (a) If a law enforcement [~~peace~~] officer
10 locates a child or other person listed on the Texas Crime
11 Information Center's child safety check alert list established
12 under Section 261.3022, Family Code, the officer shall:

13 (1) immediately contact the Department of Family and
14 Protective Services on the department's dedicated law-enforcement
15 telephone number for statewide intake;

16 (2) request information from the department regarding
17 the circumstances of the case involving the child or other person;
18 and

19 (3) request information from the child and the other
20 person regarding the child's safety, well-being, and current
21 residence.

22 (b) The law enforcement [~~peace~~] officer may temporarily
23 detain the child or other person to ensure the safety and well-being
24 of the child.

1 (c) If the law enforcement [~~peace~~] officer determines that
2 the circumstances described by Section 262.104, Family Code, exist,
3 the officer may take temporary possession of the child without a
4 court order as provided by Section 262.104, Family Code. If the law
5 enforcement [~~peace~~] officer does not take temporary possession of
6 the child, the officer shall obtain the child's current address and
7 any other relevant information and report that information to the
8 Department of Family and Protective Services.

9 (d) A law enforcement [~~peace~~] officer who locates a child or
10 other person listed on the Texas Crime Information Center's child
11 safety check alert list and who reports the child's or other
12 person's current address and other relevant information to the
13 Department of Family and Protective Services shall report to the
14 Texas Crime Information Center that the child or other person has
15 been located and to whom the child was released, as applicable.

16 (e) In this article, "law enforcement officer" means a peace
17 officer described by Article 2.12, a probation officer, a parole
18 officer, a correctional officer, or a jailer.

19 SECTION 2. Section 261.3023, Family Code, as amended by
20 Chapters 1056 (H.B. 2053) and 1202 (S.B. 1406), Acts of the 84th
21 Legislature, Regular Session, 2015, is reenacted and amended to
22 read as follows:

23 Sec. 261.3023. LAW ENFORCEMENT RESPONSE TO CHILD SAFETY
24 CHECK ALERT. If a law enforcement officer, as that term is defined
25 in Article 2.272, Code of Criminal Procedure, encounters a child or
26 other person[~~, including a child,~~] listed on the Texas Crime
27 Information Center's child safety check alert list, the law

1 enforcement officer shall follow the procedures described by
2 Article 2.272, Code of Criminal Procedure.

3 SECTION 3. Section 261.3024(a), Family Code, as amended by
4 Chapters 1056 (H.B. 2053) and 1202 (S.B. 1406), Acts of the 84th
5 Legislature, Regular Session, 2015, is reenacted to read as
6 follows:

7 (a) A law enforcement officer who locates a child listed on
8 the Texas Crime Information Center's child safety check alert list
9 shall report that the child has been located in the manner
10 prescribed by Article 2.272, Code of Criminal Procedure.

11 SECTION 4. Section 1701.352, Occupations Code, is amended
12 by amending Subsection (b) and adding Subsection (j) to read as
13 follows:

14 (b) The commission shall require a state, county, special
15 district, or municipal agency that appoints or employs peace
16 officers to provide each peace officer with a training program at
17 least once every 48 months that is approved by the commission and
18 consists of:

19 (1) topics selected by the agency; and

20 (2) for an officer holding only a basic proficiency
21 certificate, not more than 20 hours of education and training that
22 contain curricula incorporating the learning objectives developed
23 by the commission regarding:

24 (A) civil rights, racial sensitivity, and
25 cultural diversity;

26 (B) de-escalation and crisis intervention
27 techniques to facilitate interaction with persons with mental

1 impairments; [~~and~~]

2 (C) unless determined by the agency head to be
3 inconsistent with the officer's assigned duties:

4 (i) the recognition and documentation of
5 cases that involve child abuse or neglect, family violence, and
6 sexual assault; and

7 (ii) issues concerning sex offender
8 characteristics; and

9 (D) appropriate use of and response to persons on
10 the child safety check alert list required by Section 261.3022,
11 Family Code.

12 (j) The commission shall collaborate with the Department of
13 Public Safety on the development of training materials for the
14 training required in Subsection (b)(2)(D).

15 SECTION 5. To the extent of any conflict, this Act prevails
16 over another Act of the 85th Legislature, Regular Session, 2017,
17 relating to nonsubstantive additions to and corrections in enacted
18 codes.

19 SECTION 6. This Act takes effect September 1, 2017.