

BILL ANALYSIS

Senate Research Center
87R10401 AJZ-F

H.B. 1419
By: Hull et al. (Alvarado)
Criminal Justice
5/3/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

State law does not currently require information relating to missing persons or unidentified remains to be entered into the National Missing and Unidentified Persons System (NamUs). While some law enforcement agencies do enter information into NamUs, absent such a requirement many others do not. It has been suggested that requiring all law enforcement agencies, justices of the peace, and medical examiners to utilize NamUs would help conserve resources and solve missing persons cases more quickly by ensuring ready access to important information in a centralized database.

H.B. 1419 amends current law relating to the duties of a law enforcement agency regarding missing children and missing persons and to the duties of a justice of the peace or other investigator regarding unidentified bodies.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Requires that this Act be known as John and Joseph's Law.

SECTION 2. Amends Article 49.04, Code of Criminal Procedure, by adding Subsection (e), as follows:

(e) Requires a justice of the peace investigating a death described by Subsection (a)(3)(B) (relating to the death of an unidentified person whose cause of death is unknown), or the justice's designee, to, not later than the 10th working day after the date that one or more identifying features of the unidentified body are determined or the 60th day after the date the investigation began, whichever is earlier, enter all available identifying features of the unidentified body (fingerprints, dental records, any unusual physical characteristics, and a description of the clothing found on the body) into the National Missing and Unidentified Persons System.

SECTION 3. Amends Section 7, Article 49.25, Code of Criminal Procedure, by adding Subsection (d), as follows:

(d) Requires a person investigating a death described by Section 6(a)(3)(B) (relating to the death of an unidentified person whose cause of death is unknown), or the person's designee, to, not later than the 10th working day after the date that one or more identifying features of the unidentified body are determined or the 60th day after the date the investigation began, whichever is earlier, enter all available identifying features of the unidentified body (fingerprints, dental records, any unusual physical characteristics, and a description of the clothing found on the body) into the National Missing and Unidentified Persons System.

SECTION 4. Amends Articles 63.009(a), (b), and (f), Code of Criminal Procedure, as follows:

(a) Requires a law enforcement agency, rather than local law enforcement agencies, on receiving a report of a missing child or person, to:

(1) and (2) makes no changes to these subdivisions;

(3) immediately, but not later than two hours after receiving the report, enter the name of the child or person into the clearinghouse and the national crime information center missing person file if the child or person meets the center's criteria, and report that name to the Alzheimer's Association Safe Return emergency response center, rather than crisis number, if applicable, with all available identifying features such as dental records, fingerprints, other physical characteristics, and a description of the clothing worn when last seen, and all available information describing any person reasonably believed to have taken or retained the missing child or missing person;

(4) not later than the 60th day after the date the agency receives the report, enter the name of the child or person into the National Missing and Unidentified Persons System, with all available identifying features such as dental records, fingerprints, other physical characteristics, and a description of the clothing worn when last seen, and all available information describing any person reasonably believed to have taken or retained the missing child or missing person; and

(5) inform the person who filed the report of the missing child or missing person that the information will be entered into the clearinghouse, the national crime information center missing person file, and the National Missing and Unidentified Persons System, and reported to the Alzheimer's Association Safe Return emergency response center, rather than crisis number, if applicable.

Makes nonsubstantive changes.

(b) Requires that information not immediately available when the original entry is made be entered, rather than obtained by the agency, into the clearinghouse, the national crime information center file, and the National Missing and Unidentified Persons System as a supplement to the original entry as soon as possible. Makes a nonsubstantive change

(f) Requires the local law enforcement agency having jurisdiction of the investigation, immediately after the return of a missing child or missing person or the identification of an unidentified body, to clear, rather than cancel, the entry in the national crime information center database and notify the National Missing and Unidentified Persons System.

SECTION 5. (a) Provides that Articles 49.04 and 49.25, Code of Criminal Procedure, as amended by this Act, apply only to the investigation of a death of an unidentified person that commences on or after the effective date of this Act. Provides that an investigation that commences before the effective date of this Act is governed by the law in effect when the investigation commenced, and the former law is continued in effect for that purpose.

(b) Provides that Article 63.009, Code of Criminal Procedure, as amended by this Act, applies only to the report of a missing child or missing person that is made to a law enforcement agency on or after the effective date of this Act. Provides that a report of a missing child or missing person that is made to a law enforcement agency before the effective date of this Act is governed by the law in effect when the report was made, and the former law is continued in effect for that purpose.

SECTION 6. Effective date: September 1, 2021.