By:  Hull H.B. No. 1419

A BILL TO BE ENTITLED

AN ACT

relating to the duties of a law enforcement agency regarding missing children and missing persons and regarding unidentified bodies.

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

SECTION 1.  This Act shall be known as John and Joseph's Law.

SECTION 2.  Article 63.009, Code of Criminal Procedure, is amended by amending Subsections (a), (b), (c), and (f) and adding Subsections (c-1) and (c-2) to read as follows:

(a)  A [~~Local~~] law enforcement agency [~~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 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 or to the clearinghouse, the national crime information center missing person file if the child or person meets the center's criteria, and report the information to the Alzheimer's Association Safe Return emergency response center [~~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; [~~and~~]

(4)  not later than the 30th 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 or reported to the clearinghouse, the national crime information center missing person file, the National Missing and Unidentified Persons System, and the Alzheimer's Association Safe Return emergency response center [~~crisis number~~], if applicable.

(b)  Information not immediately available when the original entry is made shall be [~~obtained by the agency and~~] entered into the clearinghouse, [~~and~~] 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.

(c)  All Texas law enforcement agencies or their designees are required to enter information about all unidentified bodies into the clearinghouse, [~~and~~] the national crime information center unidentified person file, and the National Missing and Unidentified Persons System as described by Subsections (c-1) and (c-2).

(c-1)  A law enforcement agency shall, not later than the 10th working day after the date the death is reported to the agency, 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 clearinghouse and the national crime information center file. If an information entry into the national crime information center file results in an automatic entry of the information into the clearinghouse, the law enforcement agency is not required to make a direct entry of that information into the clearinghouse.

(c-2)  A law enforcement agency or their designee shall, not later than the 10th working day after which identifying features of the unidentified body have been determined, but not later than the 60th day after the date the death is reported to the agency, 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.

(f)  Immediately after the return of a missing child or missing person or the identification of an unidentified body, the local law enforcement agency having jurisdiction of the investigation shall:

(1)  ~~cancel~~ clear the entry in the national crime information center database; and

(2)  notify the National Missing and Unidentified Persons System.

SECTION 3.  The change in law made by this Act applies only to the report of a missing child or missing person or an unidentified body that is made to a law enforcement agency on or after the effective date of this Act. The report of a missing child or missing person or an unidentified body 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 4.  This Act takes effect September 1, 2021.