By:  Hull, et al. (Senate Sponsor - Alvarado) H.B. No. 1419

(In the Senate - Received from the House April 13, 2021; April 13, 2021, read first time and referred to Committee on Criminal Justice; May 6, 2021, reported favorably by the following vote: Yeas 6, Nays 0; May 6, 2021, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Huffman         X

Bettencourt     X

Birdwell        X

Hinojosa        X

Miles           X

Nichols                   X

A BILL TO BE ENTITLED

AN ACT

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.

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 49.04, Code of Criminal Procedure, is amended by adding Subsection (e) to read as follows:

(e)  A justice of the peace investigating a death described by Subsection (a)(3)(B), or the justice's designee, shall, 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.  Section 7, Article 49.25, Code of Criminal Procedure, is amended by adding Subsection (d) to read as follows:

(d)  A person investigating a death described by Section 6(a)(3)(B), or the person's designee, shall, 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.  Articles 63.009(a), (b), and (f), Code of Criminal Procedure, are amended 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 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 [~~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 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:

(A)  entered into the clearinghouse, the national crime information center missing person file, and the National Missing and Unidentified Persons System; and

(B)  reported to 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.

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

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

SECTION 5.  (a) 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. 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)  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. The 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.  This Act takes effect September 1, 2021.

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