

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

1 after the date the investigation began, whichever is earlier, enter
2 all available identifying features of the unidentified body
3 (fingerprints, dental records, any unusual physical
4 characteristics, and a description of the clothing found on the
5 body) into the National Missing and Unidentified Persons System.

6 SECTION 4. Articles 63.009(a), (b), and (f), Code of
7 Criminal Procedure, are amended to read as follows:

8 (a) A [~~Local~~] law enforcement agency [~~agencies~~], on
9 receiving a report of a missing child or [~~a~~] missing person, shall:

10 (1) if the subject of the report is a child and the
11 child is at a high risk of harm or is otherwise in danger or if the
12 subject of the report is a person who is known by the agency to have
13 or is reported to have chronic dementia, including Alzheimer's
14 dementia, whether caused by illness, brain defect, or brain injury,
15 immediately start an investigation in order to determine the
16 present location of the child or person;

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

21 (3) immediately, but not later than two hours after
22 receiving the report, enter the name of the child or person into the
23 clearinghouse and[~~7~~] the national crime information center missing
24 person file if the child or person meets the center's criteria, and
25 report that name to the Alzheimer's Association Safe Return
26 emergency response center [~~crisis number~~], if applicable, with all
27 available identifying features such as dental records,

1 fingerprints, other physical characteristics, and a description of
2 the clothing worn when last seen, and all available information
3 describing any person reasonably believed to have taken or retained
4 the missing child or missing person; ~~and~~

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

13 (5) inform the person who filed the report of the
14 missing child or missing person that the information will be:

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

18 (B) reported to the Alzheimer's Association Safe
19 Return emergency response center ~~[crisis number,]~~ if applicable.

20 (b) Information not immediately available when the original
21 entry is made shall be ~~[obtained by the agency and]~~ entered into the
22 clearinghouse, ~~[and]~~ the national crime information center file,
23 and the National Missing and Unidentified Persons System as a
24 supplement to the original entry as soon as possible.

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

1 investigation shall:

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

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

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

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

21 SECTION 6. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 1419 was passed by the House on April 13, 2021, by the following vote: Yeas 147, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1419 was passed by the Senate on May 19, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor