

By: Hull

H.B. No. 1419

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the duties of a law enforcement agency regarding  
3 missing children and missing persons and regarding unidentified  
4 bodies.

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

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

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

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

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

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

23 (3) immediately, but not later than two hours after  
24 receiving the report, enter the name of the child or person into or

1 to the clearinghouse, the national crime information center missing  
2 person file if the child or person meets the center's criteria, and  
3 report the information to the Alzheimer's Association Safe Return  
4 emergency response center [~~crisis number~~], if applicable, with all  
5 available identifying features such as dental records,  
6 fingerprints, other physical characteristics, and a description of  
7 the clothing worn when last seen, and all available information  
8 describing any person reasonably believed to have taken or retained  
9 the missing child or missing person; [~~and~~]

10 (4) not later than the 30th day after the date the  
11 agency receives the report, enter the name of the child or person  
12 into the National Missing and Unidentified Persons System, with all  
13 available identifying features such as dental records,  
14 fingerprints, other physical characteristics, and a description of  
15 the clothing worn when last seen, and all available information  
16 describing any person reasonably believed to have taken or retained  
17 the missing child or missing person; and

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

24 (b) Information not immediately available when the original  
25 entry is made shall be [~~obtained by the agency and~~] entered into the  
26 clearinghouse, [~~and~~] the national crime information center file,  
27 and the National Missing and Unidentified Persons System as a

1 supplement to the original entry as soon as possible.

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

7 (c-1) A law enforcement agency shall, not later than the  
8 10th working day after the date the death is reported to the agency,  
9 enter all available identifying features of the unidentified body  
10 (fingerprints, dental records, any unusual physical  
11 characteristics, and a description of the clothing found on the  
12 body) into the clearinghouse and the national crime information  
13 center file. If an information entry into the national crime  
14 information center file results in an automatic entry of the  
15 information into the clearinghouse, the law enforcement agency is  
16 not required to make a direct entry of that information into the  
17 clearinghouse.

18 (c-2) A law enforcement agency or their designee shall, not  
19 later than the 10th working day after which identifying features of  
20 the unidentified body have been determined, but not later than the  
21 60th day after the date the death is reported to the agency, enter  
22 all available identifying features of the unidentified body  
23 (fingerprints, dental records, any unusual physical  
24 characteristics, and a description of the clothing found on the  
25 body) into the National Missing and Unidentified Persons System.

26 (f) Immediately after the return of a missing child or  
27 missing person or the identification of an unidentified body, the

1 local law enforcement agency having jurisdiction of the  
2 investigation shall:

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

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

7           SECTION 3. The change in law made by this Act applies only  
8 to the report of a missing child or missing person or an  
9 unidentified body that is made to a law enforcement agency on or  
10 after the effective date of this Act. The report of a missing child  
11 or missing person or an unidentified body that is made to a law  
12 enforcement agency before the effective date of this Act is  
13 governed by the law in effect when the report was made, and the  
14 former law is continued in effect for that purpose.

15           SECTION 4. This Act takes effect September 1, 2021.