

1-1 By: Hull, et al. (Senate Sponsor - Alvarado) H.B. No. 1419
 1-2 (In the Senate - Received from the House April 13, 2021;
 1-3 April 13, 2021, read first time and referred to Committee on
 1-4 Criminal Justice; May 6, 2021, reported favorably by the following
 1-5 vote: Yeas 6, Nays 0; May 6, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the duties of a law enforcement agency regarding
 1-18 missing children and missing persons and to the duties of a justice
 1-19 of the peace or other investigator regarding unidentified bodies.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. This Act shall be known as John and Joseph's Law.

1-22 SECTION 2. Article 49.04, Code of Criminal Procedure, is
 1-23 amended by adding Subsection (e) to read as follows:

1-24 (e) A justice of the peace investigating a death described
 1-25 by Subsection (a)(3)(B), or the justice's designee, shall, not
 1-26 later than the 10th working day after the date that one or more
 1-27 identifying features of the unidentified body are determined or the
 1-28 60th day after the date the investigation began, whichever is
 1-29 earlier, enter all available identifying features of the
 1-30 unidentified body (fingerprints, dental records, any unusual
 1-31 physical characteristics, and a description of the clothing found
 1-32 on the body) into the National Missing and Unidentified Persons
 1-33 System.

1-34 SECTION 3. Section 7, Article 49.25, Code of Criminal
 1-35 Procedure, is amended by adding Subsection (d) to read as follows:

1-36 (d) A person investigating a death described by Section
 1-37 6(a)(3)(B), or the person's designee, shall, not later than the
 1-38 10th working day after the date that one or more identifying
 1-39 features of the unidentified body are determined or the 60th day
 1-40 after the date the investigation began, whichever is earlier, enter
 1-41 all available identifying features of the unidentified body
 1-42 (fingerprints, dental records, any unusual physical
 1-43 characteristics, and a description of the clothing found on the
 1-44 body) into the National Missing and Unidentified Persons System.

1-45 SECTION 4. Articles 63.009(a), (b), and (f), Code of
 1-46 Criminal Procedure, are amended to read as follows:

1-47 (a) A ~~Local~~ law enforcement agency ~~[agencies]~~, on
 1-48 receiving a report of a missing child or ~~[a]~~ missing person, shall:

1-49 (1) if the subject of the report is a child and the
 1-50 child is at a high risk of harm or is otherwise in danger or if the
 1-51 subject of the report is a person who is known by the agency to have
 1-52 or is reported to have chronic dementia, including Alzheimer's
 1-53 dementia, whether caused by illness, brain defect, or brain injury,
 1-54 immediately start an investigation in order to determine the
 1-55 present location of the child or person;

1-56 (2) if the subject of the report is a child or person
 1-57 other than a child or person described by Subdivision (1), start an
 1-58 investigation with due diligence in order to determine the present
 1-59 location of the child or person;

1-60 (3) immediately, but not later than two hours after
 1-61 receiving the report, enter the name of the child or person into the

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

2-10 (4) not later than the 60th day after the date the
 2-11 agency receives the report, enter the name of the child or person
 2-12 into the National Missing and Unidentified Persons System, with all
 2-13 available identifying features such as dental records,
 2-14 fingerprints, other physical characteristics, and a description of
 2-15 the clothing worn when last seen, and all available information
 2-16 describing any person reasonably believed to have taken or retained
 2-17 the missing child or missing person; and

2-18 (5) inform the person who filed the report of the
 2-19 missing child or missing person that the information will be:

2-20 (A) entered into the clearinghouse, the national
 2-21 crime information center missing person file, and the National
 2-22 Missing and Unidentified Persons System; and

2-23 (B) reported to the Alzheimer's Association Safe
 2-24 Return emergency response center [~~crisis number~~] if applicable.

2-25 (b) Information not immediately available when the original
 2-26 entry is made shall be [~~obtained by the agency and~~] entered into the
 2-27 clearinghouse, ~~and~~ the national crime information center file,
 2-28 and the National Missing and Unidentified Persons System as a
 2-29 supplement to the original entry as soon as possible.

2-30 (f) Immediately after the return of a missing child or
 2-31 missing person or the identification of an unidentified body, the
 2-32 local law enforcement agency having jurisdiction of the
 2-33 investigation shall:

2-34 (1) clear [~~cancel~~] the entry in the national crime
 2-35 information center database; and

2-36 (2) notify the National Missing and Unidentified
 2-37 Persons System.

2-38 SECTION 5. (a) Articles 49.04 and 49.25, Code of Criminal
 2-39 Procedure, as amended by this Act, apply only to the investigation
 2-40 of a death of an unidentified person that commences on or after the
 2-41 effective date of this Act. An investigation that commences before
 2-42 the effective date of this Act is governed by the law in effect when
 2-43 the investigation commenced, and the former law is continued in
 2-44 effect for that purpose.

2-45 (b) Article 63.009, Code of Criminal Procedure, as amended
 2-46 by this Act, applies only to the report of a missing child or
 2-47 missing person that is made to a law enforcement agency on or after
 2-48 the effective date of this Act. The report of a missing child or
 2-49 missing person that is made to a law enforcement agency before the
 2-50 effective date of this Act is governed by the law in effect when the
 2-51 report was made, and the former law is continued in effect for that
 2-52 purpose.

2-53 SECTION 6. This Act takes effect September 1, 2021.

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