

By: Alvarado

S.B. No. 899

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 or report the name of the child or

1 person into or to the clearinghouse, the national crime information
2 center missing person file if the child or person meets the center's
3 criteria, and the Alzheimer's Association Safe Return emergency
4 response center [~~crisis number~~], if applicable, with all available
5 identifying features such as dental records, fingerprints, other
6 physical characteristics, and a description of the clothing worn
7 when last seen, and all available information describing any person
8 reasonably believed to have taken or retained the missing child or
9 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 the agencies'
3 designees, as applicable, are required to enter information about
4 all unidentified bodies into the clearinghouse, ~~and~~ the national
5 crime information center unidentified person file, and the National
6 Missing and Unidentified Persons System as described by Subsections
7 (c-1) and (c-2).

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

19 (c-2) A law enforcement agency or the agency's designee
20 shall, not later than the 10th working day after the date that one
21 or more identifying features of the unidentified body are
22 determined and reported to the agency or the 30th day after the date
23 the death is reported to the agency, whichever is earlier, enter all
24 available identifying features of the unidentified body
25 (fingerprints, dental records, any unusual physical
26 characteristics, and a description of the clothing found on the
27 body) into the National Missing and Unidentified Persons System.

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

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

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

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

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