

BILL ANALYSIS

S.B. 2429
By: Hancock
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

A 15-year-old from North Richland Hills disappeared from the American Airlines Center in April 2022. At the venue, the teen had gone to the restroom and surveillance revealed her leaving with an unknown adult man. The Dallas Police Department believe she left the venue voluntarily. Nearly 10 days later, the teen was recovered in Oklahoma City by the Oklahoma City Police Department where she had been trafficked and prostituted with the use of online ads.

Although the teen's disappearance was immediately reported by her father to a Dallas Police Department officer working security for the venue, he was told to return home to North Richland Hills to file the missing child report as they considered this a runaway case. While the teen had run away before, other factors in the case should have been considered. Had the procedures for investigating instances of missing children been more clear, there might have been less confusion about jurisdiction and reporting requirements.

S.B. 2429 seeks to provide a clear place in the Code of Criminal Procedure that law enforcement can reference when responding to reports of a missing child by separating the requirements for missing children and missing adults. In addition, the bill seeks to require a law enforcement agency that receives a report of a missing child to begin an investigation immediately in order to reduce confusion about jurisdiction and the timeline of response. The bill also seeks to expand the criteria for designating a child as at high risk of human trafficking, sexual assault, exploitation, abuse, or neglectful supervision while also removing an arbitrary maximum age that kept certain children from being designated as at such a high risk.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the public safety director of the Department of Public Safety in SECTION 5 and to the Texas Commission on Law Enforcement in SECTION 11 of this bill.

ANALYSIS

S.B. 2429 amends the Code of Criminal Procedure to make existing statutory provisions establishing requirements for a law enforcement agency receiving a report of a missing child or person applicable only to a report of a missing person and to establish instead separate, standalone provisions applicable only to a report of a missing child. The requirements established in these new standalone provisions are substantially the same as the current requirements applicable to a law enforcement agency receiving a report of a missing child, except as follows:

- whereas currently a law enforcement agency must immediately start an investigation in order to determine the present location of the child only if the child is at high risk of harm or is otherwise in danger, and is otherwise required to start an investigation with due diligence, the bill makes the requirement to immediately start an investigation applicable with respect to any child reported missing;
- the bill requires the agency, immediately, but not later than two hours after receiving the report, to enter the applicable information into the Texas Law Enforcement Telecommunications System or a successor system of telecommunication used by law enforcement agencies and operated by the Department of Public Safety (DPS);
- the bill changes the deadline for the agency to enter the child's name into the National Missing and Unidentified Persons System, with all available identifying features of the child and all available information describing any person reasonably believed to have taken or retained the missing child, from the 60th day after the date the agency receives the report to the 30th day after that date; and
- the bill includes a specification that the requirements apply to a law enforcement agency that receives a report of a missing child regardless of the jurisdiction in which the child went missing.

S.B. 2429 revises the requirement for the public safety director of DPS to adopt rules regarding the procedures for a local law enforcement agency on receiving a report of a missing child who is under 14 years of age and otherwise determined by the local law enforcement agency or DPS to be at a high risk of human trafficking, sexual assault, exploitation, abuse, or neglectful supervision, as follows:

- removes the age limit on who may be deemed to be at such a high risk;
- clarifies that the determination that a missing child is at such a high risk may be based on any reason the agency considers to be high risk; and
- specifies that any of the following circumstances being applicable to a missing child are grounds for determining that the child is at such a high risk:
 - the child disappeared while in a dangerous environment;
 - the child has mental or behavioral health needs;
 - the child previously exhibited signs of mental illness;
 - the child has an intellectual or developmental disability; or
 - the child is known to have been last seen or in communication with an adult unknown to the child's family or legal guardian.

The bill requires the rules adopted by the director to require a local law enforcement agency receiving a report of a missing child considered to be at a high risk of human trafficking, sexual assault, exploitation, abuse, or neglectful supervision to reasonably escalate the response and immediately, but not later than two hours after receiving the report, notify all law enforcement agencies within 100 miles, including agencies from other states, of the circumstances and high risk designation of the missing child.

S.B. 2429 requires the rules adopted by the director regarding the procedures for a local law enforcement agency on receiving a report of a missing child who: had been reported missing on four or more occasions in the 24-month period preceding the date of the current report; is in foster care or in the conservatorship of the Department of Family and Protective Services and had been reported missing on two or more occasions in the 24-month period preceding the date of the current report; or is determined to be at a high risk of human trafficking, sexual assault, exploitation, abuse, or neglectful supervision to require that the local law enforcement agency, in entering information regarding the report into the national crime information center missing person file and in indicating that the child is at a high risk of harm, to include relevant information regarding the circumstances considered when designating the child as high risk.

The bill's Code of Criminal Procedure provisions apply only to a report of a missing child or missing person that is made to a law enforcement agency on or after the bill's effective date.

S.B. 2429 amends the Occupations Code to require the Texas Commission on Law Enforcement (TCOLE) to establish, as part of the minimum curriculum requirements for a school that is specifically licensed for training peace officers and reserve law enforcement officers, county jailers, recruits, or telecommunicators, a basic education and training program on missing children and missing persons, including instruction on the associated reporting requirements. The bill requires a peace officer or reserve law enforcement officer to complete the program not later than the second anniversary of the date the officer is licensed by TCOLE, unless the officer completes the program as part of the officer's basic training course. These requirements apply only to a person who submits an application for a peace officer license on or after January 1, 2025.

S.B. 2429 also requires TCOLE to make available to each peace officer or reserve law enforcement officer a voluntary advanced education and training program on missing children and missing persons and requires the program to include instruction on the associated reporting requirements under the Code of Criminal Procedure.

S.B. 2429 requires TCOLE, not later than December 1, 2024, to establish the training programs as required by the bill and to adopt the rules necessary to implement the bill's Occupations Code provisions.

S.B. 2429 repeals the following provisions of the Code of Criminal Procedure:

- Articles 63.009(a-1), (a-2), and (g); and
- Article 63.0092.

EFFECTIVE DATE

September 1, 2023.