By:  Oliverson, et al. (Senate Sponsor - Hughes) H.B. No. 2660

(In the Senate - Received from the House May 3, 2023; May 5, 2023, read first time and referred to Committee on Criminal Justice; May 17, 2023, reported favorably by the following vote: Yeas 7, Nays 0; May 17, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Flores          X

Bettencourt     X

Hinojosa        X

Huffman         X

King            X

Miles           X

A BILL TO BE ENTITLED

AN ACT

relating to the duties of a law enforcement agency regarding missing children and missing persons.

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

SECTION 1.  This Act may be cited as Tim's Law.

SECTION 2.  Article 63.009(a), Code of Criminal Procedure, is amended to read as follows:

(a)  A law enforcement agency, on receiving a report of a missing child or missing person, shall:

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

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

(3)  immediately, but not later than two hours after receiving the report, enter the name of the child or person into the clearinghouse and the national crime information center missing person file if the child or person meets the center's criteria, and report that name to the Alzheimer's Association Safe Return emergency response center if applicable, with all available identifying features such as dental records, fingerprints, other physical characteristics, and a description of the clothing worn when last seen, and all available information describing any person reasonably believed to have taken or retained the missing child or missing person;

(4)  not later than 48 hours after receiving the report, electronically submit to each municipal or county law enforcement agency within 200 miles the report and any information that may help determine the present location of the child or person;

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

(6)  [~~(5)~~] inform the person who filed the report of the missing child or missing person that the information will be:

(A)  entered into the clearinghouse, the national crime information center missing person file, and the National Missing and Unidentified Persons System; [~~and~~]

(B)  reported to the Alzheimer's Association Safe Return emergency response center if applicable; and

(C)  submitted to each municipal or county law enforcement agency within 200 miles.

SECTION 3.  The change in law made by this Act applies only to a report of a missing child or missing person that is made to a law enforcement agency on or after the effective date of this Act. A report of a missing child or missing person that is made to a law enforcement agency before the effective date of this Act is governed by the law in effect on the date the report was made, and the former law is continued in effect for that purpose.

SECTION 4.  This Act takes effect September 1, 2023.

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