

By: Klick

H.B. No. 4975

A BILL TO BE ENTITLED

AN ACT

1
2 relating to reporting procedures and training programs for law
3 enforcement agencies regarding missing children and missing
4 persons.

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

6 SECTION 1. Article 2.13(c), Code of Criminal Procedure, is
7 amended to read as follows:

8 (c) It is the duty of every officer to take possession of a
9 child under Article 63.00905(g) [~~63.009(g)~~].

10 SECTION 2. The heading to Article 63.009, Code of Criminal
11 Procedure, is amended to read as follows:

12 Art. 63.009. LAW ENFORCEMENT REQUIREMENTS GENERALLY.

13 SECTION 3. Articles 63.009(a), (d), and (f), Code of
14 Criminal Procedure, are amended to read as follows:

15 (a) A law enforcement agency, on receiving a report of a
16 [~~missing child or~~] missing person, shall:

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

24 (2) if the subject of the report is a [~~child or~~] person

1 other than a [~~child or~~] person described by Subdivision (1), start
2 an investigation with due diligence in order to determine the
3 present location of the [~~child or~~] person;

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

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

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

25 (A) entered into the clearinghouse, the national
26 crime information center missing person file, and the National
27 Missing and Unidentified Persons System; and

1 (B) reported to the Alzheimer's Association Safe
2 Return emergency response center if applicable.

3 (d) If a local law enforcement agency investigating a report
4 of a [~~missing child or~~] missing person obtains a warrant for the
5 arrest of a person for taking or retaining the [~~missing child or~~]
6 missing person, the local law enforcement agency shall immediately
7 enter the name and other descriptive information of the person into
8 the national crime information center wanted person file if the
9 person meets the center's criteria. The local law enforcement
10 agency shall also enter all available identifying features,
11 including dental records, fingerprints, and other physical
12 characteristics of the [~~missing child or~~] missing person. The
13 information shall be cross-referenced with the information in the
14 national crime information center missing person file.

15 (f) Immediately after the return of a [~~missing child or~~]
16 missing person or the identification of an unidentified body, the
17 local law enforcement agency having jurisdiction of the
18 investigation shall:

19 (1) clear the entry in the national crime information
20 center database; and

21 (2) notify the National Missing and Unidentified
22 Persons System.

23 SECTION 4. Subchapter A, Chapter 63, Code of Criminal
24 Procedure, is amended by adding Article 63.00905 to read as
25 follows:

26 Art. 63.00905. LAW ENFORCEMENT REQUIREMENTS FOR REPORT OF
27 MISSING CHILD. (a) A law enforcement agency, on receiving a report

1 of a missing child, shall:

2 (1) immediately start an investigation in order to
3 determine the present location of the child;

4 (2) immediately, but not later than two hours after
5 receiving the report, enter the name of the child into the
6 clearinghouse, the National Missing and Unidentified Persons
7 System, and the national crime information center missing person
8 file if the child meets the center's criteria, with all available
9 identifying features such as dental records, fingerprints, other
10 physical characteristics, and a description of the clothing worn
11 when last seen, and all available information describing any person
12 reasonably believed to have taken or retained the missing child;

13 (3) immediately, but not later than two hours after
14 the agency receives the report, enter the applicable information
15 into the Texas Law Enforcement Telecommunications System or a
16 successor system of telecommunication used by law enforcement
17 agencies and operated by the Department of Public Safety; and

18 (4) inform the person who filed the report of the
19 missing child that the information will be entered into the
20 clearinghouse, the national crime information center missing
21 person file, and the National Missing and Unidentified Persons
22 System.

23 (b) A local law enforcement agency, on receiving a report of
24 a child missing under the circumstances described by Article
25 63.001(3)(D) for a period of not less than 48 hours, shall
26 immediately make a reasonable effort to locate the child and
27 determine the well-being of the child. On determining the location

1 of the child, if the agency has reason to believe that the child is a
2 victim of abuse or neglect as defined by Section 261.001, Family
3 Code, the agency:

4 (1) shall notify the Department of Family and
5 Protective Services; and

6 (2) may take possession of the child under Subchapter
7 B, Chapter 262, Family Code.

8 (c) The Department of Family and Protective Services, on
9 receiving notice under Subsection (b), may initiate an
10 investigation into the allegation of abuse or neglect under Section
11 261.301, Family Code, and take possession of the child under
12 Chapter 262, Family Code.

13 (d) Information not immediately available when the original
14 entry is made shall be entered into the clearinghouse, the national
15 crime information center file, and the National Missing and
16 Unidentified Persons System as a supplement to the original entry
17 as soon as possible.

18 (e) If a local law enforcement agency investigating a report
19 of a missing child obtains a warrant for the arrest of a person for
20 taking or retaining the missing child, the local law enforcement
21 agency shall immediately enter the name and other descriptive
22 information of the person into the national crime information
23 center wanted person file if the person meets the center's
24 criteria. The local law enforcement agency shall also enter all
25 available identifying features, including dental records,
26 fingerprints, and other physical characteristics of the missing
27 child. The information shall be cross-referenced with the

1 information in the national crime information center missing person
2 file.

3 (f) Immediately after the return of a missing child, the
4 local law enforcement agency having jurisdiction of the
5 investigation shall:

6 (1) clear the entry in the national crime information
7 center database; and

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

10 (g) On determining the location of a child, other than a
11 child who is subject to the continuing jurisdiction of a district
12 court, an officer shall take possession of the child and shall
13 deliver or arrange for the delivery of the child to a person
14 entitled to possession of the child. If the person entitled to
15 possession of the child is not immediately available, the law
16 enforcement officer shall deliver the child to the Department of
17 Family and Protective Services.

18 SECTION 5. Article 63.0091, Code of Criminal Procedure, is
19 amended to read as follows:

20 Art. 63.0091. LAW ENFORCEMENT REQUIREMENTS REGARDING
21 REPORTS OF CERTAIN MISSING CHILDREN. (a) The public safety
22 director of the Department of Public Safety shall adopt rules
23 regarding the procedures for a local law enforcement agency on
24 receiving a report of a missing child who:

25 (1) had been reported missing on four or more
26 occasions in the 24-month period preceding the date of the current
27 report;

1 (2) is in foster care or in the conservatorship of the
2 Department of Family and Protective Services and had been reported
3 missing on two or more occasions in the 24-month period preceding
4 the date of the current report; or

5 (3) is [~~under 14 years of age and otherwise determined~~
6 ~~by the local law enforcement agency or the Department of Public~~
7 ~~Safety to be~~] at a high risk of human trafficking, sexual assault,
8 exploitation, abuse, or neglectful supervision for any reason the
9 agency considers to be high risk, including because the missing
10 child:

11 (A) disappeared while in a dangerous
12 environment;

13 (B) has mental or behavioral health needs;

14 (C) previously exhibited signs of mental
15 illness;

16 (D) has an intellectual or developmental
17 disability;

18 (E) is known to have been last seen or in
19 communication with a person unknown to the child's family or legal
20 guardian; or

21 (F) made concerning statements before
22 disappearing.

23 (b) The rules adopted under this article must require that:

24 (1) in entering information regarding the report into
25 the national crime information center missing person file as
26 required by Article 63.00905(a)(2) [~~63.009(a)(3)~~] for a missing
27 child described by Subsection (a), the local law enforcement agency

1 shall indicate, in the manner specified in the rules, that the child
2 is at a high risk of harm and include relevant information regarding
3 any prior occasions on which the child was reported missing; and

4 (2) the local law enforcement agency that receives a
5 report of a missing child described by Subsection (a)(3) shall:

6 (A) escalate the response using all available
7 resources; and

8 (B) immediately, but not later than two hours
9 after receiving the report, notify all law enforcement agencies
10 within 100 miles, including agencies from other states, of the
11 circumstances and high risk designation of the missing child.

12 (c) If, at the time the initial entry into the national
13 crime information center missing person file is made, the local law
14 enforcement agency has not determined that the requirements of this
15 article apply to the report of the missing child, the information
16 required by Subsection (b)(1) [~~(b)~~] must be added to the entry
17 promptly after the agency investigating the report or the
18 Department of Public Safety determines that the missing child is
19 described by Subsection (a).

20 SECTION 6. Section [1701.253](#), Occupations Code, is amended
21 by adding Subsection (q) to read as follows:

22 (q) As part of the minimum curriculum requirements, the
23 commission shall establish a basic education and training program
24 on missing children and missing persons, including instruction on
25 the associated reporting requirements under Chapter [63](#), Code of
26 Criminal Procedure. An officer shall complete the program not later
27 than the second anniversary of the date the officer is licensed

1 under this chapter unless the officer completes the program as part
2 of the officer's basic training course.

3 SECTION 7. Subchapter F, Chapter 1701, Occupations Code, is
4 amended by adding Section 1701.2581 to read as follows:

5 Sec. 1701.2581. VOLUNTARY ADVANCED EDUCATION AND TRAINING
6 PROGRAM ON MISSING CHILDREN AND MISSING PERSONS. The commission
7 shall make available to each officer a voluntary advanced education
8 and training program on missing children and missing persons. The
9 program must include instruction on the associated reporting
10 requirements under Chapter 63, Code of Criminal Procedure.

11 SECTION 8. The following provisions of the Code of Criminal
12 Procedure are repealed:

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

15 SECTION 9. The changes in law made by this Act to Chapter
16 63, Code of Criminal Procedure, apply only to the report of a
17 missing child or missing person that is made to a law enforcement
18 agency on or after the effective date of this Act. The report of a
19 missing child or missing person that is made to a law enforcement
20 agency before the effective date of this Act is governed by the law
21 in effect when the report was made, and the former law is continued
22 in effect for that purpose.

23 SECTION 10. Section 1701.253(q), Occupations Code, as added
24 by this Act, applies only to a person who submits an application for
25 a peace officer license under Chapter 1701, Occupations Code, on or
26 after January 1, 2025. A person who submits an application for a
27 peace officer license under Chapter 1701, Occupations Code, before

1 January 1, 2025, is governed by the law in effect immediately before
2 the effective date of this Act, and the former law is continued in
3 effect for that purpose.

4 SECTION 11. Not later than December 1, 2024, the Texas
5 Commission on Law Enforcement shall:

6 (1) establish the training programs required by
7 Sections 1701.253(q) and 1701.2581, Occupations Code, as added by
8 this Act; and

9 (2) adopt the rules necessary to implement Sections
10 1701.253(q) and 1701.2581, Occupations Code, as added by this Act.

11 SECTION 12. This Act takes effect September 1, 2023.