

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: Oliverson, Hull, Jones of Harris, et al.

H.B. No. 2660

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

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

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

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

20 (6) ~~(5)~~ inform the person who filed the report of  
21 the missing child or missing person that the information will be:

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

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

27 (C) submitted to each municipal or county law

1 enforcement agency within 200 miles.

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

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

# ADOPTED

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MAY 18 2023

FLOOR AMENDMENT NO. 1

*Latey Spaw*  
Secretary of the Senate

BY:

*Kelly Harman*

Amend H.B. No. 2660 (senate committee printing) by striking all below the enacting clause and substituting the following:

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

SECTION 2. Article 2.13(c), Code of Criminal Procedure, is amended to read as follows:

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

SECTION 3. The heading to Article 63.009, Code of Criminal Procedure, is amended to read as follows:

Art. 63.009. LAW ENFORCEMENT REQUIREMENTS GENERALLY.

SECTION 4. Articles 63.009(a), (d), and (f), Code of Criminal Procedure, are 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,

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

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

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

20 (6) [~~(5)~~] inform the person who filed the report of  
21 the [~~missing child or~~] missing person that the information will be:

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

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

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

29 (d) If a local law enforcement agency investigating a report  
30 of a [~~missing child or~~] missing person obtains a warrant for the  
31 arrest of a person for taking or retaining the [~~missing child or~~]

1 missing person, the local law enforcement agency shall immediately  
2 enter the name and other descriptive information of the person into  
3 the national crime information center wanted person file if the  
4 person meets the center's criteria. The local law enforcement  
5 agency shall also enter all available identifying features,  
6 including dental records, fingerprints, and other physical  
7 characteristics of the ~~[missing child or]~~ missing person. The  
8 information shall be cross-referenced with the information in the  
9 national crime information center missing person file.

10 (f) Immediately after the return of a ~~[missing child or]~~  
11 missing person or the identification of an unidentified body, the  
12 local law enforcement agency having jurisdiction of the  
13 investigation shall:

14 (1) clear the entry in the national crime information  
15 center database; and

16 (2) notify the National Missing and Unidentified  
17 Persons System.

18 SECTION 5. Subchapter A, Chapter 63, Code of Criminal  
19 Procedure, is amended by adding Article 63.00905 to read as  
20 follows:

21 Art. 63.00905. LAW ENFORCEMENT REQUIREMENTS FOR REPORT OF  
22 MISSING CHILD. (a) Regardless of the jurisdiction in which the  
23 child went missing, a law enforcement agency, on receiving a report  
24 of a missing child, shall:

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

27 (2) immediately, but not later than two hours after  
28 receiving the report, enter the name of the child into the  
29 clearinghouse and the national crime information center missing  
30 person file if the child meets the center's criteria, with all  
31 available identifying features such as dental records,

1 fingerprints, other physical characteristics, and a description of  
2 the clothing worn when last seen, and all available information  
3 describing any person reasonably believed to have taken or retained  
4 the missing child;

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

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

14 (5) not later than the 30th day after the date the  
15 agency receives the report, enter the name of the child into the  
16 National Missing and Unidentified Persons System, with all  
17 available identifying features such as dental records,  
18 fingerprints, other physical characteristics, and a description of  
19 the clothing worn when last seen, and all available information  
20 describing any person reasonably believed to have taken or retained  
21 the missing child; and

22 (6) inform the person who filed the report of the  
23 missing child that the information will be:

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

27 (B) submitted to each municipal or county law  
28 enforcement agency within 200 miles.

29 (b) A local law enforcement agency, on receiving a report of  
30 a child missing under the circumstances described by Article  
31 63.001(3)(D) for a period of not less than 48 hours, shall

1 immediately make a reasonable effort to locate the child and  
2 determine the well-being of the child. On determining the location  
3 of the child, if the agency has reason to believe that the child is a  
4 victim of abuse or neglect as defined by Section 261.001, Family  
5 Code, the agency:

6           (1) shall notify the Department of Family and  
7 Protective Services; and

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

10          (c) The Department of Family and Protective Services, on  
11 receiving notice under Subsection (b), may initiate an  
12 investigation into the allegation of abuse or neglect under Section  
13 261.301, Family Code, and take possession of the child under  
14 Chapter 262, Family Code.

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

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



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

4                (1) clear the entry in the national crime information  
5 center database; and

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

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

16        SECTION 6. Article 63.0091, Code of Criminal Procedure, is  
17 amended to read as follows:

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

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

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

30                (3) is ~~[under 14 years of age and otherwise determined~~  
31 ~~by the local law enforcement agency or the Department of Public~~

1 ~~Safety to be~~ at a high risk of human trafficking, sexual assault,  
2 exploitation, abuse, or neglectful supervision for any reason the  
3 agency considers to be high risk, including because the missing  
4 child:

5 (A) disappeared while in a dangerous  
6 environment;

7 (B) has mental or behavioral health needs;

8 (C) previously exhibited signs of mental  
9 illness;

10 (D) has an intellectual or developmental  
11 disability; or

12 (E) is known to have been last seen or in  
13 communication with an adult unknown to the child's family or legal  
14 guardian.

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

16 (1) in entering information regarding the report into  
17 the national crime information center missing person file as  
18 required by Article 63.00905(a)(2) [~~63.009(a)(3)~~] for a missing  
19 child described by Subsection (a), the local law enforcement agency  
20 shall indicate, in the manner specified in the rules, that the child  
21 is at a high risk of harm and include relevant information  
22 regarding:

23 (A) any prior occasions on which the child was  
24 reported missing; and

25 (B) the circumstances considered when  
26 designating the child as high risk; and

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

29 (A) reasonably escalate the response; and

30 (B) immediately, but not later than two hours  
31 after receiving the report, notify all law enforcement agencies

1 within 100 miles, including agencies from other states, of the  
2 circumstances and high risk designation of the missing child.

3 (c) If, at the time the initial entry into the national  
4 crime information center missing person file is made, the local law  
5 enforcement agency has not determined that the requirements of this  
6 article apply to the report of the missing child, the information  
7 required by Subsection (b)(1) [~~(b)~~] must be added to the entry  
8 promptly after the agency investigating the report or the  
9 Department of Public Safety determines that the missing child is  
10 described by Subsection (a).

11 SECTION 7. Section 1701.253, Occupations Code, is amended  
12 by adding Subsection (q) to read as follows:

13 (q) As part of the minimum curriculum requirements, the  
14 commission shall establish a basic education and training program  
15 on missing children and missing persons, including instruction on  
16 the associated reporting requirements under Chapter 63, Code of  
17 Criminal Procedure. An officer shall complete the program not  
18 later than the second anniversary of the date the officer is  
19 licensed under this chapter unless the officer completes the  
20 program as part of the officer's basic training course.

21 SECTION 8. Subchapter F, Chapter 1701, Occupations Code, is  
22 amended by adding Section 1701.2581 to read as follows:

23 Sec. 1701.2581. VOLUNTARY ADVANCED EDUCATION AND TRAINING  
24 PROGRAM ON MISSING CHILDREN AND MISSING PERSONS. The commission  
25 shall make available to each officer a voluntary advanced education  
26 and training program on missing children and missing persons. The  
27 program must include instruction on the associated reporting  
28 requirements under Chapter 63, Code of Criminal Procedure.

29 SECTION 9. The following provisions of the Code of Criminal  
30 Procedure are repealed:

31 (1) Articles 63.009(a-1), (a-2), and (g); and

1           (2) Article 63.0092.

2           SECTION 10. The changes in law made by this Act to Chapter  
3 63, Code of Criminal Procedure, apply only to the report of a  
4 missing person or missing child that is made to a law enforcement  
5 agency on or after the effective date of this Act. The report of a  
6 missing person or missing child that is made to a law enforcement  
7 agency before the effective date of this Act is governed by the law  
8 in effect when the report was made, and the former law is continued  
9 in effect for that purpose.

10          SECTION 11. Section 1701.253(q), Occupations Code, as added  
11 by this Act, applies only to a person who submits an application for  
12 a peace officer license under Chapter 1701, Occupations Code, on or  
13 after January 1, 2025. A person who submits an application for a  
14 peace officer license under Chapter 1701, Occupations Code, before  
15 January 1, 2025, is governed by the law in effect immediately before  
16 the effective date of this Act, and the former law is continued in  
17 effect for that purpose.

18          SECTION 12. Not later than December 1, 2024, the Texas  
19 Commission on Law Enforcement shall:

20               (1) establish the training programs required by  
21 Sections 1701.253(q) and 1701.2581, Occupations Code, as added by  
22 this Act; and

23               (2) adopt the rules necessary to implement Sections  
24 1701.253(q) and 1701.2581, Occupations Code, as added by this Act.

25          SECTION 13. This Act takes effect September 1, 2023.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 20, 2023**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2660** by Oliverson (Relating to the duties of a law enforcement agency regarding missing children and missing persons.), **As Passed 2nd House**

|   |
|---|
| <b>No significant fiscal implication to the State is anticipated.</b> |
|---|

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 302 Office of the Attorney General, 405 Department of Public Safety, 407 Commission on Law Enforcement, 458 Alcoholic Beverage Commission, 530 Family and Protective Services, Department of, 696 Department of Criminal Justice, 802 Parks and Wildlife Department

**LBB Staff:** JMc, DDeI, KFB, DA

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 15, 2023

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2660** by Oliverson (Relating to the duties of a law enforcement agency regarding missing children and missing persons.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 302 Office of the Attorney General, 405 Department of Public Safety, 458 Alcoholic Beverage Commission, 696 Department of Criminal Justice, 802 Parks and Wildlife Department

**LBB Staff:** JMc, DDeI, KFB, DA

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**April 24, 2023**

**TO:** Honorable Ryan Guillen, Chair, House Committee on Homeland Security & Public Safety

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2660** by Oliverson (Relating to the duties of a law enforcement agency regarding missing children and missing persons.), **Committee Report 1st House, Substituted**

|   |
|---|
| <b>No significant fiscal implication to the State is anticipated.</b> |
|---|

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 302 Office of the Attorney General, 405 Department of Public Safety, 458 Alcoholic Beverage Commission, 696 Department of Criminal Justice, 802 Parks and Wildlife Department

**LBB Staff:** JMc, DDel, KFB, DA

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**April 10, 2023**

**TO:** Honorable Ryan Guillen, Chair, House Committee on Homeland Security & Public Safety

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2660** by Oliverson (Relating to the duties of a law enforcement agency regarding missing children and missing persons.), **As Introduced**

|   |
|---|
| <b>No significant fiscal implication to the State is anticipated.</b> |
|---|

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 302 Office of the Attorney General, 405 Department of Public Safety, 458 Alcoholic Beverage Commission, 696 Department of Criminal Justice, 802 Parks and Wildlife Department

**LBB Staff:** JMc, DDel, KFB, DA