

House Bill 2660
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(Unless otherwise indicated, all SECTIONS below are from FA1)

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

SECTION 1. Same as House version.

No equivalent provision.

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)]~~.

No equivalent provision.

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 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;

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;

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- (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

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- (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 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

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emergency response center if applicable; and
(C) submitted to each municipal or county law enforcement
agency within 200 miles.

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emergency response center if applicable; and
(C) submitted to each municipal or county law enforcement
agency within 200 miles.
(d) If a local law enforcement agency investigating a report of
a ~~[missing child or]~~ missing person obtains a warrant for the
arrest of a person for taking or retaining the ~~[missing child or]~~
missing person, the local law enforcement agency shall
immediately enter the name and other descriptive information
of the person into the national crime information center
wanted person file if the person meets the center's criteria.
The local law enforcement agency shall also enter all
available identifying features, including dental records,
fingerprints, and other physical characteristics of the ~~[missing~~
~~child or]~~ missing person. The information shall be cross-
referenced with the information in the national crime
information center missing person file.
(f) Immediately after the return of a ~~[missing child or]~~
missing person or the identification of an unidentified body,
the local law enforcement agency having jurisdiction of the
investigation shall:
(1) clear the entry in the national crime information center
database; and
(2) notify the National Missing and Unidentified Persons
System.

SECTION 5. Subchapter A, Chapter 63, Code of Criminal
Procedure, is amended by adding Article 63.00905 to read as
follows:
Art. 63.00905. LAW ENFORCEMENT REQUIREMENTS
FOR REPORT OF MISSING CHILD. (a) Regardless of the

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jurisdiction in which the child went missing, a law enforcement agency, on receiving a report of a missing child, shall:

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

(2) immediately, but not later than two hours after receiving the report, enter the name of the child into the clearinghouse and the national crime information center missing person file if the child meets the center's criteria, 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;

(3) immediately, but not later than two hours after the agency receives the report, 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;

(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;

(5) not later than the 30th day after the date the agency receives the report, enter the name of the child 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

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information describing any person reasonably believed to have taken or retained the missing child; and
(6) inform the person who filed the report of the missing child 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) submitted to each municipal or county law enforcement agency within 200 miles.
(b) A local law enforcement agency, on receiving a report of a child missing under the circumstances described by Article 63.001(3)(D) for a period of not less than 48 hours, shall immediately make a reasonable effort to locate the child and determine the well-being of the child. On determining the location of the child, if the agency has reason to believe that the child is a victim of abuse or neglect as defined by Section 261.001, Family Code, the agency:
(1) shall notify the Department of Family and Protective Services; and
(2) may take possession of the child under Subchapter B, Chapter 262, Family Code.
(c) The Department of Family and Protective Services, on receiving notice under Subsection (b), may initiate an investigation into the allegation of abuse or neglect under Section 261.301, Family Code, and take possession of the child under Chapter 262, Family Code.
(d) Information not immediately available when the original entry is made shall be entered into the clearinghouse, the national crime information center file, and the National Missing and Unidentified Persons System as a supplement to the original entry as soon as possible.

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

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

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

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

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

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

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

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

(2) 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

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

(A) disappeared while in a dangerous environment;

(B) has mental or behavioral health needs;

(C) previously exhibited signs of mental illness;

(D) has an intellectual or developmental disability; or

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

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

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

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relevant information regarding:

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

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

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

(A) reasonably escalate the response; and

(B) 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.

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

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

(q) As part of the minimum curriculum requirements, the commission shall establish a basic education and training program on missing children and missing persons, including instruction on the associated reporting requirements under Chapter 63, Code of Criminal Procedure. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter unless the

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officer completes the program as part of the officer's basic training course.

SECTION 8. Subchapter F, Chapter 1701, Occupations Code, is amended by adding Section 1701.2581 to read as follows:
Sec. 1701.2581. VOLUNTARY ADVANCED EDUCATION AND TRAINING PROGRAM ON MISSING CHILDREN AND MISSING PERSONS. The commission shall make available to each officer a voluntary advanced education and training program on missing children and missing persons. The program must include instruction on the associated reporting requirements under Chapter 63, Code of Criminal Procedure.

SECTION 9. The following provisions of the Code of Criminal Procedure are repealed:
(1) Articles 63.009(a-1), (a-2), and (g); and
(2) Article 63.0092.

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

No equivalent provision.

No equivalent provision.

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.

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No equivalent provision.

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

No equivalent provision.

SECTION 12. Not later than December 1, 2024, the Texas Commission on Law Enforcement shall:
(1) establish the training programs required by Sections 1701.253(q) and 1701.2581, Occupations Code, as added by this Act; and
(2) adopt the rules necessary to implement Sections 1701.253(q) and 1701.2581, Occupations Code, as added by this Act.

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

SECTION 13. Same as House version.