

BILL ANALYSIS

H.B. 2053
By: Farney
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that the current process of adding a family member, guardian, or child to the child safety check alert list is cumbersome and can take too much time. H.B. 2053 seeks to streamline this process to help law enforcement address potentially dangerous situations involving children.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2053 amends the Family Code to require the Department of Family and Protective Services (DFPS), if at any time during an investigation of a report of child abuse or neglect to which DFPS has assigned the highest priority DFPS is unable to locate the child who is the subject of the report of abuse or neglect or the child's family, to notify the Department of Public Safety (DPS) that the location of the child and the child's family is unknown. The bill requires DPS to conduct an investigation to determine the location of the child and the child's family using all available resources, including the use of the child safety check alert list. The bill requires DPS, if DPS locates the child and the child's family, to notify DFPS of their location.

H.B. 2053 specifies that the child safety check alert list created as part of the Texas Crime Information Center to help locate a child's family for purposes of investigating a report of child abuse or neglect is also created to help locate a child for purposes of such an investigation. The bill requires DFPS, if DFPS is unable to locate a child or the child's family after exhausting all available means, to notify DPS that DFPS is unable to locate the child or the child's family and requires DPS, on receiving such notice, to notify the Texas Crime Information Center to place the child and the child's family on a child safety check alert list. The bill removes statutory provisions relating to an application requesting issuance of a court order requiring the appropriate law enforcement agency to notify the Texas Crime Information Center to place members of a family DFPS is attempting to locate on a child safety check alert list.

H.B. 2053 removes a provision requiring the child safety check alert list to include the minimum criteria for an entry as established by the center and expands the information required to be included on the alert list to include, if available, the physical description of the child who is the subject of the report DFPS is attempting to investigate and the family member alleged to have abused or neglected a child according to the report; a description of the motor vehicle in which

the child is suspected to be transported, including the vehicle's make, color, style of body, model year, and vehicle identification number; the case number assigned by DFPS; the telephone number for the DFPS employee responsible for the investigation at which the employee can be reached 24 hours a day; the date and time when and the location where the child was last seen; and any other information required for an entry as established by the center.

H.B. 2053 removes a provision requiring a law enforcement officer who encounters a person listed on the child safety check alert list who is alleged to have abused or neglected a child, or encounters a child listed on the alert list who is the subject of a report of child abuse or neglect DFPS is attempting to investigate, to request information from the person or the child regarding the child's well-being and current residence and instead requires such an officer to immediately detain all individuals in the officer's presence that are described in the child safety check alert list and take temporary custody of the child who is the subject of a report of child abuse or neglect; to immediately take into investigative detention all motor vehicles described in the child safety check alert list; to immediately notify DFPS of the detention, including the location of the detention; and to hold all persons detained at the location of the initial contact by the law enforcement officer. The bill requires a law enforcement officer who detains a child or the child's family under such circumstances to report to the Texas Crime Information Center that the child has been located.

H.B. 2053 prohibits the transportation of a detained person from the location of the detention unless the person is lawfully arrested and prohibits the detention of a person for more than six hours. The bill requires the law enforcement officer to obtain the child's current address and any other relevant information, report that information to DFPS, and release the detained individuals and motor vehicles if DFPS notifies the law enforcement officer that DFPS is unable to respond to the location of the detention within six hours of initial detention. The bill establishes that the requirement to detain an individual or motor vehicle under the bill's provisions does not preclude the enforcement of any other state or federal law. The bill removes a provision authorizing a law enforcement officer to take possession of a child without a court order under certain circumstances and requiring the officer to obtain the child's current address and any other relevant information and report such information to DFPS if those circumstances do not exist.

EFFECTIVE DATE

September 1, 2015.