

SUBJECT: Amending the definition of missing child

COMMITTEE: Juvenile Justice and Family Issues — favorable, without amendment

VOTE: 7 ayes — Brady, Cook, H. Cuellar, Naishtat, Puente, Van de Putte, Goodman

0 nays

2 absent — De La Garza, Williamson

WITNESSES: For — Patricia Linebarger, Texas Department of Public Safety

Against — None

BACKGROUND: Texas law defines missing *child* to include persons under age 17 and missing *person* to include persons age 17 and older. One statutory indicator for being considered a missing child or person is to be in the company of another person under circumstances indicating one's safety is in doubt.

DIGEST: HB 223 would change the definition of missing child to apply to persons under age 18 and change the definition of a missing person to apply to persons age 18 and older. The bill also would amend the definition of missing to include persons in circumstances that indicate their safety is in doubt, whether or not they are in the company of another person. The changes would only apply to reports filed after the bill's effective date, September 1, 1995.

SUPPORTERS SAY: HB 223 would amend state law to conform with the National Child Search Assistance Act of 1990, which requires that federal, state and local law enforcement agencies report missing children under the age of 18. When a parent or guardian reports a child as missing to a local law enforcement agency, the information is reported to the Missing Persons Clearinghouse (MPCH) in the Texas Department of Public Safety. The report is automatically entered into the National Crime Information Center (NCIC) of the FBI, where it is available to law enforcement agencies.

The difference between a missing *child* and a missing *person* is primarily for the designation of runaways. A missing person is someone whose disappearance was involuntary. A missing child, however, can be someone who voluntarily left the care of their custodian without the consent of the custodian and without an intent to return.

The dual system created by the current difference in state and federal law is frustrating for law enforcement officials who want to assist a worried parent concerned about a possible runaway child. Under Texas law, once children turn 17 they are considered voluntarily missing adults, not runaways. On the other hand, according to federal law and the laws of most other states, those children would be runaways and information about them could be transmitted nationwide.

A person of any age who has a physical or mental disability that might cause them to be in danger would continue to be reported as a missing person immediately. HB 223 would additionally ensure that if the missing person was *either* accompanied or alone in a situation with indications of danger — such as some indication they have not left on their own volition — they would qualify as legally missing. Under current law, they must be in the company of someone under suspicious circumstances to have their disappearance reported immediately.

**OPPONENTS
SAY:**

In many situations children are considered adults once they turn 17, such as when they commit criminal offenses. This bill would require that 17 year-olds still be reported as missing children even if they voluntarily left the care and control of their guardian. It would force law enforcement agencies to deal with chronic runaways as missing children for an additional year and could add to paperwork and data entry expense.