

SUBJECT: Reporting attempted child abductions, noting habitual runaways in reports

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 9 ayes — Pickett, Fletcher, Cortez, Dale, Flynn, Kleinschmidt, Lavender, Sheets, Simmons
0 nays

SENATE VOTE: On final passage, April 4 — 31-0, on Local and Uncontested Calendar

WITNESSES: *(On House companion bill, HB 1677)*
For — David Boatright, National Center for Missing and Exploited Children; *(Registered, but did not testify:* Ellen Arnold, Texas PTA; Tony Privett, City of Lubbock; Jason Sabo, Children at Risk; Todd, Dallas Fraternal Order of Police)

Against — None

On — *(Registered, but did not testify:* Susan Burroughs and Frank Malinak, Texas Department of Public Safety; Kim Vickers, Texas Commission on Law Enforcement Officer Standards and Education)

BACKGROUND: Code of Criminal Procedure, art. 63.002 establishes the missing children and missing persons information clearinghouse within the Department of Public Safety (DPS). Under art. 63.009, within two hours of receiving a report of a missing child, law enforcement authorities must report the incident to the DPS clearinghouse and, if applicable, to the national crime information center.

DIGEST: CSSB 742 would expand the DPS missing children and missing persons clearinghouse to include information on attempted child abductions, would require local law enforcement agencies to include in missing children's reports certain information about children who had run away multiple times, and would authorize law enforcement training and education about missing and exploited children.

Reports of child abductions. Within eight hours of receiving a report of an attempted child abduction, local law enforcement agencies would have to provide information on the abduction to the clearinghouse. The definition of attempted child abduction would not include attempted abductions by relatives.

Local law enforcement authorities would have to make the report through the Texas Law Enforcement Telecommunications System. The DPS report forms for missing children and missing persons would have to be in a format that allowed a seamless transfer of information to the national crime information center.

The DPS would be authorized to award grants to certain nonprofit organizations to assist DPS in its duties relating to missing or exploited children, including its duties relating to the clearinghouse. This would apply to nonprofits that provided programs and information concerning child safety and Internet safety and the prevention of child abductions and child sexual exploitation.

Information on certain runaways. DPS would have to adopt rules for local law enforcement agencies to include certain information in the currently required missing child reports about children:

- reported missing four or more times in two years before the incident being reported; or
- in foster care or under the conservatorship of the Department of Family and Protective Services and reported missing at least two times in two years before the incident being reported.

The rules would have to require local law enforcement agencies making missing child reports about these two type of children to note that the child was endangered and include information about the previous times the child was missing. If it is later discovered that a missing child met these criteria, that information would have to be promptly added by the local law enforcement agency to the entry.

Law enforcement officer training. CSSB 742 would require that intermediate and advanced proficiency certificates for law enforcement officers include education and training on missing and exploited children.

The Texas Commission on Law Enforcement Officer Standards and Education would have to establish a program of at least four hours. The program would have to include instruction on reporting attempted child abductions to the DPS clearinghouse, instruction on investigating the use of the Internet to commit crimes against children, and a review of the Penal Code provisions on kidnapping, unlawful restraint, and smuggling of persons. This training would be available for certificates issued on or after January 1, 2015.

The bill would take effect September 1, 2013, and would apply to reports of attempted child abductions reported on or after January 1, 2014.

**SUPPORTERS
SAY:**

CSSB 742 would help gather information on the attempted abduction of children and habitual runaways and would authorize specific training in these issues for law enforcement officers so that children could be better protected. In 2011, almost 50,000 Texas children were reported missing. The state should do all it can to prevent that number from growing.

While DPS currently runs a clearinghouse as a central repository for information about missing children, the clearinghouse does not include information on attempted child abductions or certain information about habitual runaways. These children are at a high risk for sexual exploitation, and keeping statistics on these cases could help the state better understand how to address the issue.

CSSB 742 would fill this gap in the current system by creating a statewide, uniform requirement to report attempted child abductions and certain information about habitual runaways. The bill would not create a new system of reporting but would tie this requirement to the current system for filing information about missing children. These requirements would not burden local law enforcement authorities or DPS because they could be worked into the current reports on missing children filed with law enforcement data centers and sent to the DPS clearinghouse.

The bill would use a targeted definition of attempted child abductions that captured those children being preyed upon by strangers. The bill would reference the Penal Code definition of abduct so that all law enforcement authorities worked under the same definition and would exclude attempted abductions by relatives. Allowing eight hours for a report on an attempted abduction would allow law enforcement authorities time to weed out false

reports. Reports also could later be modified if they were found to be false.

The provisions for reporting information on habitual runaways would not increase the demands on law enforcement agencies, which already have to report missing children. If agencies received additional information required by the bill, they could easily add it when they are routinely modifying their report as the case is worked.

The bill would use national data on the patterns of high-risk children to set the thresholds for flagging these cases as habitual runaways and gathering additional information. This would ensure that the captured data identified those children most in danger of exploitation and that resources could be used accordingly.

The bill would ensure that advanced training for law enforcement officers included information on missing and exploited children. This type of training and education could help officers prevent and respond to child abductions and runaways.

CSSB 742 would establish the framework for DPS to contract in the future with nonprofit organizations involved in programs and education relating to missing and exploited children, if it became feasible. The bill would make no appropriation for this purpose but could allow the agency to leverage resources in the future to address this issue.

OPPONENTS
SAY:

It would be best if CSSB 742 provided a specific definition of child abduction so that all law enforcement agencies used the same one and so that the system was used to track only those that fell into the category of concern. Also, allowing reports to be made only after an investigation could help agencies weed out false reports and reduce over-reporting.

OTHER
OPPONENTS
SAY:

It might be better to adjust the threshold for requiring information on certain runaways. Waiting to flag children as habitual runaways until the fifth or third time they ran away could come too late to identify those truly at risk for exploitation.

NOTES:

The committee added to the Senate version the requirement for DPS report forms to be in a format that allowed a seamless transfer of information to the national crime information center.