

## **BILL ANALYSIS**

Senate Research Center

H.B. 1092  
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Jurisprudence  
4-18-97  
Engrossed

### **DIGEST**

Currently, there are state and federal laws stating that the custodial parent/legal guardian can file a missing person report and have the child entered into the Federal Bureau of Investigation's Missing Person File and the Missing Persons Clearinghouse whether or not the abductor has been charged with the crime. However, there are still misconceptions on the part of some law enforcement agencies that a child who is a victim of a parental abduction cannot be entered into the FBI's clearinghouse unless there is a warrant issued for the abductor. This bill will redefine "missing child" to include children taken in violation of a court order and require an officer, upon finding a child taken in violation of a court order, to take possession of the child and deliver the child to the person entitled to possession of the child.

### **PURPOSE**

As proposed, H.B. 1092 redefines "missing child" to include children taken in violation of a court order and requires an officer, upon finding a child taken in violation of a court order, to take possession of the child and deliver the child to the person entitled to possession of the child.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 79.001(3), Human Resources Code, to redefine "missing child" to include a child whose whereabouts are unknown to the child's legal custodian, the circumstances of whose absence indicate that the child was taken or retained in violation of the terms of a court order for possession of or access to the child.

SECTION 2. Amends Section 79.008(a), Human Resources Code, to require local law enforcement agencies, on receiving a report of a missing child or a missing person, to take certain actions. Authorizes an officer, on determining the location of a child under Subdivision (1) or (2), other than a child who is subject to the continuing jurisdiction of a district court, to take possession of the child and shall deliver or arrange for delivery of the child to a person entitled to possession of the child. Requires the law enforcement officer, if the person entitled to possession of the child is not immediately available, to deliver the child to the Department of Protective and Regulatory Services.

SECTION 3. Emergency clause.  
Effective date: upon passage.