

BILL ANALYSIS

Senate Research Center
76R4350 PEP-D

H.B. 605
By: Greenberg (Armbrister)
Criminal Justice
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Engrossed

DIGEST

Currently, law enforcement officers are not permitted to initiate a search for persons until a 24 hour period has elapsed. Dementia is defined as a loss of thinking, reasoning, and remembering functions of the brain, sometimes limiting a person's capacity to conduct his or her daily life. This condition may lead to a person's wandering away from a primary care giver. A missing person with dementia may not have the capacity to care for themselves and may suffer from exposure or dehydration, when lost for 24 hours or more. H.B. 605 would require a report regarding a missing child or missing person and to the responsibility of local law enforcement to immediately investigate certain missing person reports; creates an offense.

PURPOSE

As proposed, H.B. 605 requires a report regarding a missing child or missing person and to the responsibility of local law enforcement to investigate certain missing person reports; creating an offense.

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 Article 62.009(a), Code of Criminal Procedure, to include, upon receiving a report of a missing child or missing person, 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, to immediately start an investigation in order to determine the present location of the child or person. Requires the inclusion of a person who meets certain conditions to be entered into the Alzheimer's Association Safe Return crisis number. Deletes text regarding the report of a child whose well being is not in danger; and determining the location of, taking possession of, and ensuring delivery of, a missing child. Makes conforming changes.

SECTION 2. Amends Article 62.009, Code of Criminal Procedure, by adding Subsection (g), to be redesignated from existing Article 62.009(a)(4).

SECTION 3. Amends Chapter 37, Penal Code, by adding Section 37.081, as follows:

Sec. 37.081. FALSE REPORT REGARDING MISSING CHILD OR MISSING PERSON.
Establishes that a person commits an offense, if, with intent to deceive, the person knowingly files a false report or makes a false statement regarding a missing child or missing person. Provides that an offense under this section is a Class C misdemeanor.

SECTION 4. Effective date: September 1, 1999.

SECTION 5. Emergency clause.