

BILL ANALYSIS

Senate Research Center
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H.B. 668
By: Wise (Armbrister)
Criminal Justice
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Engrossed

DIGEST

The process of locating a missing child may be a difficult, time-consuming process for law enforcement officers. H.B. 668 would establish provisions relating to missing children, to the duty of law enforcement with respect to missing children, and increases certain criminal penalties for specific offenses frequently committed against missing children.

PURPOSE

As proposed, H.B. 668 establishes provisions relating to missing children, to the duty of law enforcement with respect to missing children, and to certain criminal offenses frequently committed against missing children.

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 2.13, Code of Criminal Procedure, to provide that it is the duty of every peace officer to preserve the peace within the officer's jurisdiction. Establishes that it is the duty of every officer to take possession of a child under Article 62.009(g). Makes conforming changes.

SECTION 2. Amends Chapter 62, Code of Criminal Procedure, by adding Article 62.0015, as follows:

Art. 62.0015. PRESUMPTION REGARDING PARENTAGE. Provides that a person named as a child's mother or father in the child's birth certificate is presumed to be the child's parent.

SECTION 3. Amends Article 62.006(b), Code of Criminal Procedure, to require, rather than authorize that, at any time a report is made for a missing person the law enforcement officer completes a dental release form for certain purposes.

SECTION 4. Amends Article 62.009(a), Code of Criminal Procedure, to delete text regarding an officer's taking immediate possession of a child upon determining the child's location.

SECTION 5. Amends Article 62.009, Code of Criminal Procedure, by adding Subsection (g), to require an officer to take possession of a child, upon determining the location of the child, and to deliver or arrange for the delivery of the child to a person entitled to possession of the child. Requires the law enforcement officer to deliver the child to the Department of Protective and Regulatory Services.

SECTION 6. Amends Section 262.007(a), Family Code, to require, rather than authorize, a law enforcement officer to take a child into custody if certain conditions exist.

SECTION 7. Amends Section 25.04(b), Penal Code, to provide that an offense under this subsection is a Class B misdemeanor, unless it is shown that the actor intended to commit a felony against the child, in which event an offense is a felony of the third degree.

SECTION 8. Amends Section 71.02(a), Penal Code, to provide that a person commits an offense if the person commits or conspires to commit certain offenses, including any offense under Chapter 43B, depicting or involving conduct by or directed toward a child younger than 18, rather than 17, years of age. Deletes text regarding unlawful employment, authorization, or inducing of a child in an obscene sexual

performance.

SECTION 9. Makes application of SECTIONS 7 and 8 of this Act prospective.

SECTION 10. Effective date: September 1, 1999.

SECTION 11. Emergency clause.