

## **BILL ANALYSIS**

Senate Research Center  
83R3345 MAW-F

S.B. 742  
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3/15/2013  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In 2012, 46,831 children were reported missing in Texas; the majority of these missing children cases were the result of family abductions or runaways. Children who have been reported missing multiple times, and/or have run away multiple times, exemplify the type of high-risk behavior that human traffickers target.

Texas law enforcement currently uses an established National Crime Information Center database for reporting missing children; however, there is no single unified process that exists to allow law enforcement in different jurisdictions to submit reports of attempted child abductions or to report or document the activity of habitual runaways.

In order to better protect those populations at an enhanced risk for human trafficking, such as child abductees and habitual runaways, S.B. 742 seeks to provide law enforcement with the tools to track attempted child abductions and to better identify habitual, high-risk runaways. Specifically, S.B. 742 creates a statewide, uniform system for reporting attempted child abductions and habitual, high-risk runaway cases to law enforcement. S.B. 742 also grants the Department of Public Safety of the State of Texas (DPS) the authority to contract with a nonprofit in order to assist in the recovery of missing children and habitual runaways. Furthermore, this bill requires at least four hours of training regarding attempted child abductions, missing children, or missing person cases for newly licensed law enforcement officers or existing officers wishing to gain a higher proficiency certification. Lastly, S.B. 742 instructs DPS and the Texas Commission on Law Enforcement Officer Standards and Education to adopt the rules necessary to implement reporting and training requirements.

As proposed, S.B. 742 amends current law relating to reports of missing children or attempted child abductions and to education and training for peace officers regarding missing or exploited children.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Commission on Law Enforcement Officer Standards and Education in SECTION 7 (Section 1701.260, Occupations Code) and SECTION 10 of this bill.

Rulemaking authority is expressly granted to the Department of Public Safety of the State of Texas (DPS) and the public safety director of DPS in SECTION 10 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 63.001, Code of Criminal Procedure, by amending Subdivision (1) and adding Subdivision (1-a), to define "abduct," and to make a nonsubstantive change.

SECTION 2. Amends Article 63.003, Code of Criminal Procedure, as follows:

Art. 63.003. FUNCTION OF CLEARINGHOUSE. (a) Provides that the missing children and missing persons information clearinghouse (clearinghouse) is a central repository of information on missing children, missing persons, and attempted child abductions.

(b) Requires the clearinghouse, among other requirements, to receive and maintain information on attempted child abductions in this state, provide for the exchange of information regarding attempted child abductions between the clearinghouse and the National Center for Missing and Exploited Children (NCMEC) or other similar national nonprofit organization, and provide information regarding attempted child abductions to local law enforcement agencies to assist in locating or identifying other missing children.

SECTION 3. Amends Article 63.004, Code of Criminal Procedure, as follows:

Art. 63.004. REPORT FORMS. (a) Requires the Department of Public Safety of the State of Texas (DPS) to distribute forms to report a missing child, a missing person, or an attempted child abduction, rather than requiring DPS to distribute missing children and missing person report forms.

(b) Authorizes a report, rather than a missing child or missing person report, to be made to a law enforcement officer authorized by DPS to receive reports in person or by telephone or other indirect method of communication and authorizes the officer to enter the information on the form for the reporting person.

SECTION 4. Amends Article 63.009, Code of Criminal Procedure, by adding Subsections (a-1) and (a-2), as follows:

(a-1) Requires the local law enforcement agency, in entering information regarding a report of a missing child into the national crime information center missing person file as required by Subsection (a)(3) (relating to requiring local law enforcement agencies to fulfill certain requirements on receiving a report of a missing child), to indicate in the entry that the missing child is in danger if the child had been reported missing on four or more occasions in the 24-month period preceding the date of the current report or the child is in foster care or in the conservatorship of the Department of Family and Protective Services and had been reported missing on two or more occasions in the 24-month period preceding the date of the current report.

(a-2) Requires a local law enforcement agency, on receiving a report of an attempted child abduction, to immediately, but not later than two hours after receiving the report, provide any relevant information regarding the attempted child abduction to the clearinghouse and NCMEC or other similar national nonprofit organization.

SECTION 5. Amends Article 63.013, Code of Criminal Procedure, to require each law enforcement agency to provide to the clearinghouse any information that would assist in the location or identification of any missing child who has been reported to the agency as missing and any information regarding an attempted child abduction that the agency has jurisdiction to investigate.

SECTION 6. Amends Subchapter A, Chapter 411, Government Code, by adding Section 411.0133, as follows:

Sec. 411.0133. MISSING OR EXPLOITED CHILDREN. (a) Defines "nonprofit organization" in this section.

(b) Provides that this section applies to a nonprofit organization that is formed to provide to state and local law enforcement agencies, parents or other legal custodians, and children on a nationwide basis resources and information regarding missing or exploited children.

(c) Authorizes DPS to contract with a nonprofit organization described by Subsection (b) to provide services to assist DPS in the performance of DPS's duties related to missing or exploited children, including any duty related to the

clearinghouse under Chapter 63 (Missing Children and Missing Persons), Code of Criminal Procedure.

SECTION 7. Amends Subchapter F, Chapter 1701, Occupations Code, by adding Section 1701.260, as follows:

Sec. 1701.260. EDUCATION AND TRAINING PROGRAM ON MISSING OR EXPLOITED CHILDREN. Requires the Commission on Law Enforcement Officer Standards and Education (TCLEOSE) by rule to require an officer first licensed by TCLEOSE on or after January 1, 2015, to complete within a reasonable time after obtaining the license a one-time education and training program in missing or exploited children. Requires that the program:

- (1) consist of at least four hours of training;
- (2) include instruction on reporting an attempted child abduction to the clearinghouse under Chapter 63, Code of Criminal Procedure;
- (3) include instruction on responding to and investigating situations in which the Internet is used to commit crimes against children; and
- (4) include a review of the substance of Chapters 20 (Kidnapping, Unlawful Restraint, and Smuggling of Persons) and 43 (Public Indecency), Penal Code.

SECTION 8. Amends Section 1701.402, Occupations Code, by adding Subsection (k), to require an officer to complete the education and training program on missing or exploited children described by Section 1701.260 as a requirement for an intermediate or advanced proficiency certificate issued by TCLEOSE on or after January 1, 2015.

SECTION 9. Repealer: Article 63.001(5) ( defining "missing child or missing person report" or "report"), Code of Criminal Procedure.

SECTION 10. Provides that not later than January 1, 2014:

- (1) TCLEOSE shall adopt the rules necessary to implement Section 1701.260, Occupations Code, as added by this Act; and
- (2) DPS and the public safety director of DPS shall adopt rules and forms necessary to implement Chapter 63, Code of Criminal Procedure, as amended by this Act.

SECTION 11. (a) Provides that the change in law made by this Act in adding Article 63.009(a-1), Code of Criminal Procedure, applies to a missing child report that is received by a law enforcement agency on or after January 1, 2014.

(b) Provides that the change in law made by this Act in adding Article 63.009(a-2), Code of Criminal Procedure, and amending Article 63.013, Code of Criminal Procedure, applies to an attempted child abduction that is reported to a law enforcement agency on or after January 1, 2014.

SECTION 12. Effective date: September 1, 2013.