

- SUBJECT:** Requiring certain officers to use the child safety check alert list
- COMMITTEE:** Homeland Security and Public Safety — favorable, without amendment
- VOTE:** 9 ayes — Nevárez, Paul, Burns, Calanni, Clardy, Goodwin, Israel, Lang, Tinderholt
0 nays
- WITNESSES:** For — Will Francis, National Association of Social Workers-Texas Chapter; (*Registered, but did not testify:* Justin Berry, Austin Police Association; Chris Jones, Combined Law Enforcement Associations of Texas; Jeremy Kahn)
Against — (*Registered, but did not testify:* Gregory Young)
On — (*Registered, but did not testify:* Jim Sylvester, Department of Family and Protective Services; Kim Vickers, Texas Commission on Law Enforcement)
- BACKGROUND:** In 2015, the 84th Legislature enacted HB 2053, also known as Colton's Law, which required the Department of Public Safety (DPS) to conduct investigations for missing children under abuse and neglect cases of the highest priority using the child safety check alert list maintained by the Texas Crime Information Center.
Code of Criminal Procedure art. 2.272 requires peace officers who locate a child or other person on the child safety check alert list to immediately notify the Department of Family and Protective Services (DFPS), request information from the department regarding the circumstances of the case, and request information from the child or person regarding the child's safety, well-being, and current residence.
Family Code sec. 261.3025 requires DPS to submit a report by February 1 of each year on the use of the child safety check alert list to the standing committees of the Senate and House of Representatives with jurisdiction

over child protective services.

Occupations Code sec. 1701.266 required the Texas Commission on Law Enforcement to establish by rule an education and training program on the use of the child safety check alert list. The program is available to employees in the child protective services division of DFPS.

Some have noted that while Colton's Law has helped DPS to locate children in high priority child abuse and neglect cases, law enforcement officials are not required to check the child safety check alert list.

DIGEST:

HB 3526 would revise the list of individuals required to notify the Department of Family and Protective Services (DFPS) upon locating a child or person on the child safety check alert list from peace officers to include:

- peace officers;
- parole officers;
- juvenile probation officers, supervision officers, correctional officers, or parole officers;
- supervision officers; and
- county jailers.

The required annual report by the Department of Public Safety on the child safety check list would be required to include the number of peace officers who completed the education and training program on the use of the child safety check alert list.

The bill also would make completion of a program substantially similar to the education and training program on the use of the child safety check alert list a requirement for:

- persons seeking appointment as officers who supervised defendants placed on community supervision;
- parole officers trained by the Texas Department of Criminal Justice; and

- juvenile probation officers, juvenile suspension officers, juvenile correctional officers, and juvenile parole officers, during the preservice training for these officers provided by the Texas Juvenile Justice Department.

Peace officers and reserve law enforcement officers would be required to complete the existing Texas Commission on Law Enforcement (TCOLE) education and training program on the child safety check alert list. An officer would have to complete the program by the second anniversary of the date the officer was licensed, unless the officer completed the program as part of the officer's basic training course.

TCOLE could require by rule a county that appointed or employed a county jailer to provide the jailer with training substantially similar to the education and training program on the child safety check alert list.

TCOLE would be required to adopt rules necessary to implement the provisions relating to the training for peace officers, law enforcement officers, and county jailers by December 31, 2019.

The bill would take effect September 1, 2019.