

BILL ANALYSIS

Senate Research Center

H.B. 1516
By: Thompson (Harris)
Health & Human Services
5-15-97
Committee Report (Amended)

DIGEST

Currently, the number of children abducted in this state is a serious concern. A 1990 U.S. Department of Justice report estimated that 354,100 children were abducted by parents and family members in the U.S. in 1988, and abductions by strangers were estimated to account for at least 4,600 missing American children. In 1988, nearly half of all parental abductors took children across state lines, concealed them, or otherwise prevented contact with the other parent. The U.S. Department of State's Office of Children's Issues has assisted with more than 7,000 international parental abduction cases; and in January 1995 alone, there were 1,200 active, unresolved international parental abduction cases. During the 74th Legislature, the House Judicial Affairs Committee studied parental kidnapping and among the committee's recommendations was the creation of a record flagging system for assisting law enforcement in the location of missing children. H.B. 1516 creates a record keeping system, based upon the American Bar Association's Model School Record Flagging Act.

PURPOSE

As proposed, H.B. 1516 creates a record keeping system for assisting law enforcement in the location of 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 Section 79.001, Human Resources Code, by adding Subdivisions (11)-(13), to define "birth certificate agency," "bureau of vital statistics," and "school."

SECTION 2. Amends Chapter 79, Human Resources Code, by adding Sections 79.017-79.020, as follows:

Sec. 79.017. SCHOOL RECORDS SYSTEM. Requires a school, on enrollment of a child under 11 years of age in the school for the first time, to request the name of each previous school attended by the child; request the child's school records from each school; and notify the person enrolling the student that the person must provide a certified copy of the child's birth certificate or other reliable proof of the child's identity and age and a signed statement explaining the person's inability to produce a copy of the birth certificate by a certain date. Requires the school to notify the appropriate law enforcement agency before a certain date if a person enrolls a child under 11 years of age and does not comply with this section. Requires the law enforcement agency, on receipt of notification, to check the clearinghouse to determine if the child has been reported missing, and if so, to notify other appropriate law enforcement agencies that the missing child has been located.

Sec. 79.018. DUTY OF SCHOOLS AND OTHER ENTITIES TO FLAG MISSING CHILDREN'S RECORDS. Requires a law enforcement agency, upon receipt of a report that a child under 11 years of age is missing, to notify each school and day care facility that the child attended or in which the child was enrolled, as well as the bureau of vital statistics, if the child was born in the state, that the child is missing. Requires the bureau of vital statistics to

notify the appropriate birth certificate agencies that the child is missing upon receipt of a notice. Sets forth the duties of schools, day care facilities, and birth certificate agencies to flag missing children's records upon receipt of notice concerning a child under this section. Requires the law enforcement agency to notify the clearinghouse that the notification has been made. Sets forth the duties of a law enforcement agency to notify law enforcement or the missing and exploited children clearinghouse in each appropriate state if a missing child under 11 years of age, who was the subject of a missing child report made in this state, was born or attended a school or licensed day care facility in another state.

Sec. 79.019. SYSTEM FOR FLAGGING RECORDS. Sets forth the system for flagging records upon receipt of notification by a law enforcement agency or the clearinghouse regarding a missing child under 11 years of age.

Sec. 79.020. REMOVAL OF FLAG FROM RECORDS. Sets forth the procedures for removing a flag from records on the return of a missing child under 11 years of age.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

Page 1, line 13, redefines "school" to mean a public primary school or private primary school that charges a fee for tuition and has more than 25 students enrolled and attending courses at a single location.