

BILL ANALYSIS

Senate Research Center

H.B. 1912
By: Wise (Lucio)
Criminal Justice
5-16-97
Engrossed

DIGEST

In 1990, the U.S. Congress passed the National Child Search Assistance Act (42 U.S.C. 5780) that requires each federal, state, and local law enforcement agency to report each case of a missing child younger than the age of 18 to the National Crime Information Center (NCIC). The federal act states that no agency is to maintain any policy establishing a waiting period before accepting a missing child or unidentified person report. Additionally, the federal act provides that each agency is to immediately enter identifying information which is to be supplemented within 60 days with additional available information, such as medical and dental records. This bill would revise the current law in Texas relative to how law enforcement officials report information to the NCIC, particularly as it relates to missing or abducted children and adults.

PURPOSE

As proposed, H.B. 1912 revises the current law in Texas relative to how law enforcement officials report information to the National Crime Information Center, particularly as it relates to missing or abducted children and adults.

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 79.008, Human Resources Code, by amending Subsection (a) and adding Subsections (d)-(f), as follows:

(a) Requires local law enforcement agencies, on receiving a report of a missing child or a missing person, among other actions, to immediately enter the name of the child or person into the clearinghouse and the national crime information center missing person file if the child or person meets the center's criteria, with all available identifying features such as dental records, fingerprints, other physical characteristics, and a description of the clothing worn when last seen, and all available information describing any person reasonably believed to have taken or retained the missing child or missing person; and to inform the person who filed the report of the missing child or missing person that the information will be entered into the clearinghouse and the national crime information center missing person file.

(d) Requires the local law enforcement agency, if the local law enforcement agency investigating a report of a missing child or missing person obtains a warrant for the arrest of a person for taking or retaining the missing child or missing person, to immediately enter the name and other descriptive information of the person into the national crime information center wanted person file if the person meets the center's criteria. Requires the local law enforcement agency to also enter all available identifying features. Requires the information to be cross-referenced with the information in the national crime information center missing person file.

(e) Requires a local law enforcement agency that has access to the national crime information center database to cooperate with other law enforcement agencies in entering or retrieving information from the national crime information center database.

(f) Requires the local law enforcement agency having jurisdiction of the investigation to cancel the entry in the national crime information center database immediately after the return of a missing child or missing person or the identification of an unidentified body.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.