

CHAPTER 657

S.B. No. 223

AN ACT

relating to investigations of missing persons and missing or runaway children.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subdivision (3), Section 74.001, Human Resources Code, as added by Chapter 132, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

(3) "Missing child" means a child whose whereabouts are unknown to the child's legal custodian, the circumstances of whose absence indicate that:

(A) the child did not voluntarily leave the care and control of the custodian, and the taking of *the child* [~~whom~~] was not authorized by law; or

(B) *the child voluntarily left the care and control of his legal custodian without the custodian's consent and without intent to return.*

SECTION 2. Section 74.008, Human Resources Code, as added by Chapter 132, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

Sec. 74.008. LAW ENFORCEMENT REQUIREMENTS. *Local* [~~All Texas~~] law enforcement agencies, on receiving a report of a missing child or a missing person, shall:

(1) *if the subject of the report is a child and the well-being of the child is in danger, immediately start an investigation in order to determine the present location of the child;*

(2) *if the subject of the report is a person other than a child or if the subject of the report is a child whose well-being is not considered to be in danger, start an investigation with due diligence in order to determine the present location of the person; and*

(3) immediately enter the name of the child or person into the clearinghouse with all available identifying features such as dental records, fingerprints, other physical characteristics, and a description of the clothing worn when last seen. Information not immediately available shall be obtained by the agency and entered into the clearinghouse as a supplement to the original entry as soon as possible. All Texas law enforcement agencies are required to enter information about all unidentified bodies into the clearinghouse. The law enforcement agencies shall enter, as soon as practical, all available identifying features of the unidentified body (fingerprints, dental records, any unusual physical characteristics, and a description of the clothing found on the body) into the clearinghouse.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on May 1, 1987, by the following vote: Yeas 29, Nays 0; and that the Senate concurred in House amendment on June 1, 1987, by the following vote: Yeas 31, Nays 0. Passed the House, with amendment, on May 29, 1987, by the following vote: Yeas 147, Nays 0, one present not voting.

Approved June 18, 1987.

Effective June 18, 1987.