

BILL ANALYSIS

Senate Research Center

S.B. 57
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Criminal Justice
8-4-2003
Enrolled

DIGEST AND PURPOSE

Currently, Texas does not have a statewide alert system for abducted children. There are 14 statewide and 25 local AMBER (America's Missing Broadcast Emergency Response) plans nationwide. The plan is a partnership between law-enforcement agencies and broadcasters to activate an urgent bulletin in the most serious child-abduction cases. S.B. 57 implements a statewide AMBER plan for abducted children.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the public safety director in SECTION 1 (Section 411.353, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 411, Government Code, by adding Subchapter L, as follows:

SUBCHAPTER L. STATEWIDE AMERICA'S MISSING: BROADCAST EMERGENCY RESPONSE (AMBER) ALERT SYSTEM FOR ABDUCTED CHILDREN

Sec. 411.351. DEFINITIONS. Defines "abducted child," "alert system," "local law enforcement agency," and "serious bodily injury."

Sec. 411.352. STATEWIDE AMERICA'S MISSING: BROADCAST EMERGENCY RESPONSE (AMBER) ALERT SYSTEM FOR ABDUCTED CHILDREN. Requires the Texas Department of Public Safety (DPS), with the cooperation of the Texas Department of Transportation (TxDOT), the office of the governor, and other appropriate law enforcement agencies in this state, to develop and implement a statewide alert system to be activated on behalf of an abducted child.

Sec. 411.353. ADMINISTRATION. (a) Provides that the public safety director (director) is the statewide coordinator of the alert system.

(b) Requires the director to adopt rules and issue directives as necessary to ensure proper implementation of the alert system. Requires the rules and directives to include instructions on the procedures for activating and deactivating the alert system.

(c) Requires the director to prescribe forms for use by local law enforcement agencies in requesting activation of the alert system.

Sec. 411.354. DEPARTMENT TO RECRUIT PARTICIPANTS. (a) Requires DPS to recruit public and commercial television and radio broadcasters, private commercial entities, the public, and other appropriate persons to assist in developing and implementing the alert system.

(b) Authorizes DPS to enter into agreements with participants in the alert system to provide necessary support for the alert system.

Sec. 411.355. ACTIVATION. (a) Requires DPS, on the request of a local law enforcement

agency, to activate the alert system and notify appropriate participants in the alert system, as established by rule, if certain conditions are met.

(b) Authorizes DPS to modify the criteria described by Subsection (a) as necessary for the proper implementation of the alert system.

Sec. 411.356. LOCAL LAW ENFORCEMENT AGENCIES. Requires a local law enforcement agency, before requesting activation of the alert system, to verify that the criteria described by Section 411.355(a) have been satisfied. Requires the law enforcement agency, on verification of the criteria, to immediately contact DPS to request activation and to supply the necessary information on the forms prescribed by the director.

Sec. 411.357. STATE AGENCIES. (a) Requires a state agency participating in the alert system to perform certain duties.

(b) Requires TxDOT, in addition to its duties as a state agency under Subsection (a), to establish a plan for providing relevant information to the public through an existing system of dynamic message signs located across the state.

Sec. 411.358. TERMINATION. Requires the director to terminate any activation of the alert system with respect to a particular abducted child if certain conditions are met.

SECTION 2. Requires the DPS director to adopt the rules and issue the directives required by Chapter 411L, Government Code, as added by this Act, not later than November 1, 2003.

SECTION 3. Effective date: upon passage or September 1, 2003.