

## **BILL ANALYSIS**

S.B. 57  
By: Zaffirini  
Law Enforcement  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In August 2002, Governor Perry issued an executive order establishing a statewide AMBER Alert Network. AMBER is an acronym for “America’s Missing: Broadcast Emergency Response.” The purpose of the network is to provide a rapid and comprehensive tool to help track missing children who have been abducted. The statewide network works in coordination with local AMBER Alert systems. When a local law enforcement officer activates the plan, the Department of Public Safety (DPS) issues notice to key television and radio stations, which then relay the alert to broadcast outlets within a 200-mile radius of the possible abduction. DPS also alerts other law enforcement agencies of the abduction and notifies the Texas Department of Transportation so that it may use existing electronic highway signs to display warnings alerting motorists to watch for the suspect’s vehicle. Senate Bill 57 would establish the network in statute.

### **RULEMAKING AUTHORITY**

It is the committee’s opinion that rulemaking authority is expressly granted to the public safety director in SECTION 1 (Section 411.353, Government Code) of this bill.

### **ANALYSIS**

SECTION 1. Senate Bill 57 amends Chapter 411 of the Government Code by adding Subchapter L, which implements a statewide America’s Missing Broadcast Emergency Response (AMBER) alert system for abducted children. The bill requires the Department of Public Safety to develop and implement a statewide alert system to be activated on behalf of an abducted child, and provides that the public safety director is the statewide coordinator of the alert system.

The bill requires the director of public safety to adopt rules and issue directives as necessary to ensure proper implementation of the alert system, which must include instructions on the procedures for activating and deactivating the alert system.

The Department of Public Safety is required to recruit television and radio broadcasters, private commercial entities, state or local government entities, the public, and other appropriate persons to assist in developing and implementing the alert system. The Department of Public Safety may enter into agreements with participants in the alert system to provide necessary support for the alert system.

The bill requires the Department of Public Safety, 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 local law enforcement:

- believes the child has been abducted and is in immediate danger of serious bodily injury or death;
- confirms that an investigation has taken place which verifies the abduction; and
- has sufficient information available to disseminate to the public to assist in the search for the child.

The bill requires a local law enforcement agency to immediately request activation from the Department of Public Safety after verifying the conditions stated above.

Participating state agencies are required to cooperate with the Department of Public Safety, assist in developing and implementing the alert system, and establish a plan for providing relevant information to its officers, investigators, and employees once the alert system has been activated. In addition, the Texas Department of Transportation must establish a plan for providing relevant information to the public through an existing system of dynamic message signs located across the state. The director of public safety is required to terminate any activation of the alert system if the child is recovered, the abduction is resolved, or the director determines the system is no longer an effective tool.

SECTION 2. Senate Bill 57 requires the public safety director of the Department of Public Safety to adopt rules and issue directives required by this Act no later than November 1, 2003.

**EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.