

1-1 By: Zaffirini S.B. No. 57
1-2 (In the Senate - Filed November 12, 2002; January 27, 2003,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 13, 2003, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; March 13, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation of a statewide alert system for abducted
1-9 children.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-11 SECTION 1. Chapter 411, Government Code, is amended by
1-12 adding Subchapter L to read as follows:

1-13 SUBCHAPTER L. STATEWIDE ALERT SYSTEM
1-14 FOR ABDUCTED CHILDREN

1-15 Sec. 411.351. DEFINITIONS. In this subchapter:

1-16 (1) "Abducted child" means a child 17 years of age or
1-17 younger whose whereabouts are unknown and whose disappearance poses
1-18 a credible threat to the safety and health of the child, as
1-19 determined by a local law enforcement agency.

1-20 (2) "Alert system" means the statewide alert system
1-21 for abducted children.

1-22 (3) "Local law enforcement agency" means a local law
1-23 enforcement agency with jurisdiction over the investigation of the
1-24 abduction of a child.

1-25 (4) "Serious bodily injury" has the meaning assigned
1-26 by Section 1.07, Penal Code.

1-27 Sec. 411.352. STATEWIDE ALERT SYSTEM FOR ABDUCTED CHILDREN.
1-28 With the cooperation of the Texas Department of Transportation, the
1-29 office of the governor, and other appropriate law enforcement
1-30 agencies in this state, the department shall develop and implement
1-31 a statewide alert system to be activated on behalf of an abducted
1-32 child.

1-33 Sec. 411.353. ADMINISTRATION. (a) The director is the
1-34 statewide coordinator of the alert system.

1-35 (b) The director shall adopt rules and issue directives as
1-36 necessary to ensure proper implementation of the alert system. The
1-37 rules and directives must include instructions on the procedures
1-38 for activating and deactivating the alert system.

1-39 (c) The director shall prescribe forms for use by local law
1-40 enforcement agencies in requesting activation of the alert system.

1-41 Sec. 411.354. DEPARTMENT TO RECRUIT PARTICIPANTS. (a) The
1-42 department shall recruit public and commercial television and radio
1-43 broadcasters, private commercial entities, state or local
1-44 governmental entities, the public, and other appropriate persons to
1-45 assist in developing and implementing the alert system.

1-46 (b) The department may enter into agreements with
1-47 participants in the alert system to provide necessary support for
1-48 the alert system.

1-49 Sec. 411.355. ACTIVATION. (a) On the request of a local
1-50 law enforcement agency, the department shall activate the alert
1-51 system and notify appropriate participants in the alert system, as
1-52 established by rule, if:

1-53 (1) the local law enforcement agency believes that a
1-54 child has been abducted;

1-55 (2) the local law enforcement agency believes that the
1-56 abducted child is in immediate danger of serious bodily injury or
1-57 death;

1-58 (3) the local law enforcement agency confirms that an
1-59 investigation has taken place that verifies the abduction and
1-60 eliminates alternative explanations for the child's disappearance;
1-61 and

1-62 (4) sufficient information is available to
1-63 disseminate to the public that could assist in locating the child, a
1-64 person suspected of abducting the child, or a vehicle suspected of

2-1 being used in the abduction.
2-2 (b) The department may modify the criteria described by
2-3 Subsection (a) as necessary for the proper implementation of the
2-4 alert system.

2-5 Sec. 411.356. LOCAL LAW ENFORCEMENT AGENCIES. Before
2-6 requesting activation of the alert system, a local law enforcement
2-7 agency must verify that the criteria described by Section
2-8 411.355(a) have been satisfied. On verification of the criteria,
2-9 the local law enforcement agency shall immediately contact the
2-10 department to request activation and shall supply the necessary
2-11 information on the forms prescribed by the director.

2-12 Sec. 411.357. STATE AGENCIES. (a) A state agency
2-13 participating in the alert system shall:

2-14 (1) cooperate with the department and assist in
2-15 developing and implementing the alert system; and

2-16 (2) establish a plan for providing relevant
2-17 information to its officers, investigators, or employees, as
2-18 appropriate, once the alert system has been activated.

2-19 (b) In addition to its duties as a state agency under
2-20 Subsection (a), the Texas Department of Transportation shall
2-21 establish a plan for providing relevant information to the public
2-22 through an existing system of dynamic message signs located across
2-23 the state.

2-24 Sec. 411.358. TERMINATION. The director shall terminate
2-25 any activation of the alert system with respect to a particular
2-26 abducted child if:

2-27 (1) the child is recovered or the abduction is
2-28 otherwise resolved; or

2-29 (2) the director determines that the alert system is
2-30 no longer an effective tool for locating and recovering the child.

2-31 SECTION 2. The public safety director of the Department of
2-32 Public Safety of the State of Texas shall adopt the rules and issue
2-33 the directives required by Subchapter L, Chapter 411, Government
2-34 Code, as added by this Act, not later than November 1, 2003.

2-35 SECTION 3. This Act takes effect immediately if it receives
2-36 a vote of two-thirds of all the members elected to each house, as
2-37 provided by Section 39, Article III, Texas Constitution. If this
2-38 Act does not receive the vote necessary for immediate effect, this
2-39 Act takes effect September 1, 2003.

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