

By: Pickett

H.B. No. 157

A BILL TO BE ENTITLED

AN ACT

relating to an endangered person advisory.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter M to read as follows:

SUBCHAPTER M. ENDANGERED PERSON ADVISORY

Sec. 411.381. DEFINITIONS. In this subchapter:

(1) "Advisory" means the statewide endangered person advisory for missing persons.

(2) "Local law enforcement agency" means a local law enforcement agency with jurisdiction over the investigation of an endangered missing person.

Sec. 411.382. ENDANGERED PERSON ADVISORY. With the cooperation of the Texas Department of Transportation, the office of the governor, and other appropriate law enforcement agencies in this state, the department shall develop and implement a statewide advisory to be activated on behalf of an endangered missing person.

Sec. 411.383. ADMINISTRATION. (a) The director is the statewide coordinator of the advisory.

(b) The director shall adopt rules and issue directives as necessary to ensure proper implementation of the advisory. The rules and directives must include instructions on the procedures for activating and deactivating the advisory.

(c) The director shall prescribe forms for use by local law

1 enforcement agencies in requesting activation of the advisory.

2 Sec. 411.384. DEPARTMENT TO RECRUIT PARTICIPANTS. (a) The  
3 department shall recruit public and commercial television and radio  
4 broadcasters, private commercial entities, state or local  
5 governmental entities, the public, and other appropriate persons to  
6 assist in developing and implementing the advisory.

7 (b) The department may enter into agreements with  
8 participants in the advisory to provide necessary support for the  
9 advisory.

10 Sec. 411.385. ACTIVATION. (a) On the request of a local  
11 law enforcement agency, the department shall activate the advisory  
12 and notify appropriate participants of the advisory, as established  
13 by rule, if:

14 (1) the local law enforcement agency believes that a  
15 person is missing under unexplained or suspicious circumstances;

16 (2) the local law enforcement agency believes the  
17 person is in danger because of:

18 (A) the person's age, mental or physical  
19 disability, or health issues;

20 (B) adverse environmental or weather conditions;

21 (C) the fact that the person is in the company of  
22 a potentially dangerous person; or

23 (D) some other factor that may place the person  
24 in danger;

25 (3) sufficient information is available to  
26 disseminate to the public that could assist in locating the person;

27 and

1           (4) the circumstances fail to meet the criteria for an  
2 AMBER alert under Subchapter L.

3           (b) The department may modify the criteria described by  
4 Subsection (a) as necessary for the proper implementation of the  
5 advisory.

6           Sec. 411.386. LOCAL LAW ENFORCEMENT AGENCIES. Before  
7 requesting activation of the advisory, a local law enforcement  
8 agency must verify that the criteria described by Section  
9 411.385(a) have been satisfied. On verification of the criteria,  
10 the local law enforcement agency shall immediately contact the  
11 department to request activation and shall supply the necessary  
12 information on the forms prescribed by the director.

13           Sec. 411.387. STATE AGENCIES. (a) A state agency  
14 participating in the advisory shall:

15           (1) cooperate with the department and assist in  
16 developing and implementing the advisory; and

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

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

25           Sec. 411.388. TERMINATION. The director shall terminate  
26 any activation of the advisory with respect to a particular missing  
27 person if:

1           (1) the person is recovered or the situation is  
2 otherwise resolved; or

3           (2) the director determines that the advisory is no  
4 longer an effective tool for locating and recovering the missing  
5 person.

6           SECTION 2. This Act takes effect September 1, 2007.