

By: Coleman

H.B. No. 3385

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the activation of the statewide alert system for
3 abducted children.

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

5 SECTION 1. Section 411.355(a), Government Code, is amended
6 to read as follows:

7 (a) On the request of a local law enforcement agency, the
8 department shall activate the alert system and notify appropriate
9 participants in the alert system, as established by rule, if:

10 (1) the local law enforcement agency believes that a
11 child has been abducted, including a child who:

12 (A) is younger than 14 years of age; and

13 (B) regardless of whether the child departed
14 willingly with the other person, has been taken from the care and
15 custody of the child's parent or legal guardian without the
16 permission of the parent or legal guardian by another person who is:

17 (i) more than three years older than the
18 child; and

19 (ii) not related to the child by any degree
20 of consanguinity or affinity as defined under Subchapter B, Chapter
21 573, Government Code;

22 (2) the local law enforcement agency believes that the
23 abducted child is in immediate danger of serious bodily injury or
24 death or of becoming the victim of a sexual assault;

1 (3) the local law enforcement agency confirms that a
2 preliminary [~~an~~] investigation has taken place that verifies the
3 abduction and eliminates alternative explanations for the child's
4 disappearance; and

5 (4) sufficient information is available to
6 disseminate to the public that could assist in locating the child, a
7 person suspected of abducting the child, or a vehicle suspected of
8 being used in the abduction.

9 SECTION 2. The change in law made by this Act applies only
10 to a request for the activation of the statewide alert system for
11 abducted children under Section 411.355, Government Code, as
12 amended by this Act, that is made on or after the effective date of
13 this Act. A request for the activation of the statewide alert
14 system for abducted children that is made before the effective date
15 of this Act is governed by the law in effect when the request was
16 made, and that law is continued in effect for that purpose.

17 SECTION 3. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2009.