

1-1 By: Coleman, Isett (Senate Sponsor - Hegar) H.B. No. 3385  
1-2 (In the Senate - Received from the House May 1, 2009;  
1-3 May 6, 2009, read first time and referred to Committee on Criminal  
1-4 Justice; May 22, 2009, reported favorably by the following vote:  
1-5 Yeas 6, Nays 0; May 22, 2009, sent to printer.)

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

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

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 411.355(a), Government Code, is amended  
1-12 to read as follows:

1-13 (a) On the request of a local law enforcement agency, the  
1-14 department shall activate the alert system and notify appropriate  
1-15 participants in the alert system, as established by rule, if:

1-16 (1) the local law enforcement agency believes that a  
1-17 child has been abducted, including a child who:

1-18 (A) is younger than 14 years of age; and

1-19 (B) regardless of whether the child departed  
1-20 willingly with the other person, has been taken from the care and  
1-21 custody of the child's parent or legal guardian without the  
1-22 permission of the parent or legal guardian by another person who is:

1-23 (i) more than three years older than the  
1-24 child; and

1-25 (ii) not related to the child by any degree  
1-26 of consanguinity or affinity as defined under Subchapter B, Chapter  
1-27 573, Government Code;

1-28 (2) the local law enforcement agency believes that the  
1-29 abducted child is in immediate danger of serious bodily injury or  
1-30 death or of becoming the victim of a sexual assault;

1-31 (3) the local law enforcement agency confirms that a  
1-32 preliminary [an] investigation has taken place that verifies the  
1-33 abduction and eliminates alternative explanations for the child's  
1-34 disappearance; and

1-35 (4) sufficient information is available to  
1-36 disseminate to the public that could assist in locating the child, a  
1-37 person suspected of abducting the child, or a vehicle suspected of  
1-38 being used in the abduction.

1-39 SECTION 2. The change in law made by this Act applies only  
1-40 to a request for the activation of the statewide alert system for  
1-41 abducted children under Section 411.355, Government Code, as  
1-42 amended by this Act, that is made on or after the effective date of  
1-43 this Act. A request for the activation of the statewide alert  
1-44 system for abducted children that is made before the effective date  
1-45 of this Act is governed by the law in effect when the request was  
1-46 made, and that law is continued in effect for that purpose.

1-47 SECTION 3. This Act takes effect immediately if it receives  
1-48 a vote of two-thirds of all the members elected to each house, as  
1-49 provided by Section 39, Article III, Texas Constitution. If this  
1-50 Act does not receive the vote necessary for immediate effect, this  
1-51 Act takes effect September 1, 2009.

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