

BILL ANALYSIS

C.S.H.B. 1075
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Public alerts are issued when a child is abducted or a senior citizen goes missing but not when an adult with the mental capacity of a child goes missing. C.S.H.B. 1075 would amend the existing AMBER alert system to include a public alert mechanism for an adult with a diagnosed intellectual developmental disability who goes missing.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety (DPS) in SECTION 4 of this bill and to the public safety director of DPS in SECTIONS 7 and 8 of this bill.

ANALYSIS

C.S.H.B. 1075 amends the Government Code to require the Department of Public Safety's (DPS) statewide America's Missing: Broadcast Emergency Response (AMBER) alert system that is activated on behalf of an abducted child to be activated on behalf of a missing person with an intellectual developmental disability and makes conforming changes to reflect that requirement in provisions of law relating to the activation and termination procedures for the system.

C.S.H.B. 1075 requires DPS, on the request of a local law enforcement agency regarding a missing person with an intellectual developmental disability, to activate the alert system and notify appropriate participants in the system, as established by rule, if the local law enforcement agency receives notice of a missing person with an intellectual developmental disability; if the local law enforcement agency verifies that at the time the person is reported missing, the person has an intellectual developmental disability, as determined according to the procedure provided by the Health and Safety Code, and the person's location is unknown; if the local law enforcement agency determines that the person's disappearance poses a credible threat to the person's health and safety; and if sufficient information is available to disseminate to the public that could assist in locating the person. The bill authorizes DPS to modify this criteria as necessary for the proper implementation of the alert system.

C.S.H.B. 1075 authorizes the public safety director of DPS by rule to assign a name other than America's Missing: Broadcast Emergency Response (AMBER) to the alert system when the system is activated regarding a missing person with an intellectual developmental disability. The bill requires the director, not later than December 1, 2011, to adopt rules and issue directives necessary to implement certain bill provisions.

C.S.H.B. 1075 defines "intellectual developmental disability" and "pervasive developmental disorder." The bill redefines "alert system" and "local law enforcement agency" to make conforming changes.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1075 differs from the original by requiring the Department of Public Safety's (DPS) statewide America's Missing: Broadcast Emergency Response (AMBER) alert system to be activated on behalf of a missing person with an intellectual developmental disability, whereas the original requires such activation on behalf of a missing incapacitated person. The substitute omits provisions included in the original defining "incapacitated person" and redefining "abducted child." The substitute contains provisions not included in the original defining "intellectual developmental disability" and "pervasive developmental disorder."

C.S.H.B. 1075 differs from the original by retaining a statutory provision removed in the original requiring certain criteria to be met by a local law enforcement agency before DPS activates the alert system and notifies appropriate system participants regarding an abducted child. The substitute omits provisions included in the original relating to procedures for activating an alert and for the sending and receipt of an alert by media outlets and to the required contents of an alert. The substitute contains a provision not included in the original establishing the criteria for activating the alert system and notifying appropriate system participants regarding a missing person with an intellectual developmental disability and authorizing DPS to modify that criteria. The substitute omits provisions included in the original establishing new criteria for an alert regarding an abducted child and an alert regarding a missing incapacitated person.

C.S.H.B. 1075 differs from the original in provisions relating to termination procedures for the alert system by referring to a missing person with intellectual disability, rather than a missing incapacitated person as in the original. The substitute omits a provision included in the original requiring the public safety director of DPS to terminate the activation of the alert if the abducted child or person is located. The substitute omits a provision included in the original requiring a local law enforcement agency that locates or recovers the subject of an alert to notify DPS as soon as possible of the location or recovery. The substitute differs from the original by retaining a statutory provision repealed in the original relating a local law enforcement agency's duty to verify that activation criteria have been satisfied and contact DPS to request activation.

C.S.H.B. 1075 contains a provision not included in the original authorizing the public safety director by rule to assign a different name to the AMBER alert system when activated regarding a missing person with an intellectual developmental disability. The substitute differs from the original by requiring the public safety director to adopt rules and issue directives necessary to implement certain bill provisions, whereas the original requires the director to adopt rules necessary to implement certain bill provisions. The substitute omits a provision included in the original relating to the further development, implementation, and operation of the AMBER alert system and the system's rules and establishing a deadline relating to those certain actions.

C.S.H.B. 1075 differs from the original in nonsubstantive and technical ways reflective of certain bill drafting conventions.