

By: Anderson of Dallas, Truitt, et al.

H.B. No. 1075

A BILL TO BE ENTITLED

AN ACT

relating to an alert for a missing person with an intellectual disability.

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

SECTION 1. The heading to Subchapter L, Chapter 411, Government Code, is amended to read as follows:

SUBCHAPTER L. STATEWIDE AMERICA'S MISSING: BROADCAST EMERGENCY RESPONSE (AMBER) ALERT SYSTEM FOR ABDUCTED CHILDREN AND MISSING PERSONS WITH INTELLECTUAL DISABILITIES

SECTION 2. Section 411.351, Government Code, is amended by amending Subdivisions (2) and (3) and adding Subdivisions (2-a) and (3-a) to read as follows:

(2) "Alert system" means the statewide America's Missing: Broadcast Emergency Response (AMBER) alert system for abducted children and missing persons with intellectual disabilities.

(2-a) "Intellectual disability" means significantly subaverage general intellectual functioning that is concurrent with deficits in adaptive behavior and originates during the developmental period. The term includes a pervasive developmental disorder.

(3) "Local law enforcement agency" means a local law enforcement agency with jurisdiction over the investigation of:

(A) the abduction of a child; or

1 (B) a missing person with an intellectual
2 disability.

3 (3-a) "Pervasive developmental disorder" means a
4 disorder that meets the criteria for a pervasive developmental
5 disorder established in the most recent Diagnostic and Statistical
6 Manual of Mental Disorders published by the American Psychiatric
7 Association.

8 SECTION 3. Section 411.352, Government Code, is amended to
9 read as follows:

10 Sec. 411.352. STATEWIDE AMERICA'S MISSING: BROADCAST
11 EMERGENCY RESPONSE (AMBER) ALERT SYSTEM FOR ABDUCTED CHILDREN AND
12 MISSING PERSONS WITH INTELLECTUAL DISABILITIES. With the
13 cooperation of the Texas Department of Transportation, the office
14 of the governor, and other appropriate law enforcement agencies in
15 this state, the department shall develop and implement a statewide
16 alert system to be activated on behalf of an abducted child or a
17 missing person with an intellectual disability.

18 SECTION 4. Section 411.355, Government Code, is amended to
19 read as follows:

20 Sec. 411.355. ACTIVATION. (a) On the request of a local
21 law enforcement agency regarding an abducted child, the department
22 shall activate the alert system and notify appropriate participants
23 in the alert system, as established by rule, if:

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

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

27 (B) regardless of whether the child departed

1 willingly with the other person, has been taken from the care and
2 custody of the child's parent or legal guardian without the
3 permission of the parent or legal guardian by another person who is:

4 (i) more than three years older than the
5 child; and

6 (ii) not related to the child by any degree
7 of consanguinity or affinity as defined under Subchapter B, Chapter
8 573, Government Code;

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

12 (3) the local law enforcement agency confirms that a
13 preliminary investigation has taken place that verifies the
14 abduction and eliminates alternative explanations for the child's
15 disappearance; and

16 (4) sufficient information is available to
17 disseminate to the public that could assist in locating the child, a
18 person suspected of abducting the child, or a vehicle suspected of
19 being used in the abduction.

20 (b) On the request of a local law enforcement agency
21 regarding a missing person with an intellectual disability, the
22 department shall activate the alert system and notify appropriate
23 participants in the alert system, as established by rule, if:

24 (1) the local law enforcement agency receives notice
25 of a missing person with an intellectual disability;

26 (2) the local law enforcement agency verifies that at
27 the time the person is reported missing:

1 (A) the person has an intellectual disability, as
2 determined according to the procedure provided by Section 593.005,
3 Health and Safety Code; and

4 (B) the person's location is unknown;

5 (3) the local law enforcement agency determines that
6 the person's disappearance poses a credible threat to the person's
7 health and safety; and

8 (4) sufficient information is available to
9 disseminate to the public that could assist in locating the person.

10 (c) The department may modify the criteria described by
11 Subsection (a) or (b) as necessary for the proper implementation of
12 the alert system.

13 SECTION 5. Section 411.356, Government Code, is amended to
14 read as follows:

15 Sec. 411.356. LOCAL LAW ENFORCEMENT AGENCIES. Before
16 requesting activation of the alert system, a local law enforcement
17 agency must verify that the criteria described by Section
18 411.355(a) or (b), as applicable, have been satisfied. On
19 verification of the applicable criteria, the local law enforcement
20 agency shall immediately contact the department to request
21 activation and shall supply the necessary information on the forms
22 prescribed by the director.

23 SECTION 6. Section 411.358, Government Code, is amended to
24 read as follows:

25 Sec. 411.358. TERMINATION. The director shall terminate
26 any activation of the alert system with respect to a particular
27 abducted child or a particular missing person with an intellectual

1 disability if:

2 (1) the abducted child or missing person is recovered
3 or the situation [~~abduction~~] is otherwise resolved; or

4 (2) the director determines that the alert system is
5 no longer an effective tool for locating and recovering the
6 abducted child or missing person.

7 SECTION 7. Subchapter L, Chapter 411, Government Code, is
8 amended by adding Section 411.359 to read as follows:

9 Sec. 411.359. SYSTEM NAME. The director by rule may assign
10 a name other than America's Missing: Broadcast Emergency Response
11 (AMBER) to the alert system when the system is activated regarding a
12 missing person with an intellectual disability.

13 SECTION 8. Not later than December 1, 2011, the public
14 safety director of the Department of Public Safety of the State of
15 Texas shall adopt rules and issue directives necessary to implement
16 Subchapter L, Chapter 411, Government Code, as amended by this Act.

17 SECTION 9. This Act takes effect September 1, 2011.