

1-1 By: Anderson of Dallas, Truitt, et al. H.B. No. 1075
1-2 (Senate Sponsor - Davis)
1-3 (In the Senate - Received from the House April 18, 2011;
1-4 April 20, 2011, read first time and referred to Committee on
1-5 Transportation and Homeland Security; May 17, 2011, reported
1-6 favorably by the following vote: Yeas 6, Nays 0; May 17, 2011,
1-7 sent to printer.)

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to an alert for a missing person with an intellectual
1-11 disability.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. The heading to Subchapter L, Chapter 411,
1-14 Government Code, is amended to read as follows:

1-15 SUBCHAPTER L. STATEWIDE AMERICA'S MISSING: BROADCAST EMERGENCY
1-16 RESPONSE (AMBER) ALERT SYSTEM FOR ABDUCTED CHILDREN AND MISSING
1-17 PERSONS WITH INTELLECTUAL DISABILITIES

1-18 SECTION 2. Section 411.351, Government Code, is amended by
1-19 amending Subdivisions (2) and (3) and adding Subdivisions (2-a) and
1-20 (3-a) to read as follows:

1-21 (2) "Alert system" means the statewide America's
1-22 Missing: Broadcast Emergency Response (AMBER) alert system for
1-23 abducted children and missing persons with intellectual
1-24 disabilities.

1-25 (2-a) "Intellectual disability" means significantly
1-26 subaverage general intellectual functioning that is concurrent
1-27 with deficits in adaptive behavior and originates during the
1-28 developmental period. The term includes a pervasive developmental
1-29 disorder.

1-30 (3) "Local law enforcement agency" means a local law
1-31 enforcement agency with jurisdiction over the investigation of:

1-32 (A) the abduction of a child; or

1-33 (B) a missing person with an intellectual
1-34 disability.

1-35 (3-a) "Pervasive developmental disorder" means a
1-36 disorder that meets the criteria for a pervasive developmental
1-37 disorder established in the most recent Diagnostic and Statistical
1-38 Manual of Mental Disorders published by the American Psychiatric
1-39 Association.

1-40 SECTION 3. Section 411.352, Government Code, is amended to
1-41 read as follows:

1-42 Sec. 411.352. STATEWIDE AMERICA'S MISSING: BROADCAST
1-43 EMERGENCY RESPONSE (AMBER) ALERT SYSTEM FOR ABDUCTED CHILDREN AND
1-44 MISSING PERSONS WITH INTELLECTUAL DISABILITIES. With the
1-45 cooperation of the Texas Department of Transportation, the office
1-46 of the governor, and other appropriate law enforcement agencies in
1-47 this state, the department shall develop and implement a statewide
1-48 alert system to be activated on behalf of an abducted child or a
1-49 missing person with an intellectual disability.

1-50 SECTION 4. Section 411.355, Government Code, is amended to
1-51 read as follows:

1-52 Sec. 411.355. ACTIVATION. (a) On the request of a local
1-53 law enforcement agency regarding an abducted child, the department
1-54 shall activate the alert system and notify appropriate participants
1-55 in the alert system, as established by rule, if:

1-56 (1) the local law enforcement agency believes that a
1-57 child has been abducted, including a child who:

1-58 (A) is younger than 14 years of age; and

1-59 (B) regardless of whether the child departed
1-60 willingly with the other person, has been taken from the care and
1-61 custody of the child's parent or legal guardian without the
1-62 permission of the parent or legal guardian by another person who is:

1-63 (i) more than three years older than the
1-64 child; and

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

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

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

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

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

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

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

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

(B) the person's location is unknown;

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

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

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

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

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

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

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

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

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

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

Sec. 411.359. SYSTEM NAME. The director by rule may 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 disability.

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

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

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