

BILL ANALYSIS

H.B. 3619
By: Rose
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that there are existing alert systems that coordinate and direct resources towards the recovery of a missing person and they contend that a similar alert system should be established to help recover any missing person in Texas who is 18 years of age or older. H.B. 3619 seeks to establish a countywide alert system for such missing persons.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the public safety director of the Department of Public Safety in SECTION 1 of this bill.

ANALYSIS

H.B. 3619 amends the Government Code to require the Department of Public Safety (DPS) to develop and implement an alert to be activated in a county in which a person who is 18 years of age or older is missing with the cooperation of the office of the governor office and other appropriate law enforcement agencies. The bill designates the public safety director of DPS as the statewide coordinator of the alert and requires the public safety director to adopt rules and issue directives as necessary to ensure proper implementation of the alert. The bill requires the rules and directives to include the procedures to be used by a local law enforcement agency to verify whether such an adult is missing and in imminent danger of serious bodily injury or death, a description of the circumstances under which a local law enforcement agency is required to report a missing adult to DPS, and the procedures to be used by an individual or entity to report information about a missing adult to designated media outlets in Texas. The bill requires the public safety director to prescribe forms for use by local law enforcement agencies in requesting activation of the alert system in a county. The bill requires DPS to recruit local television and radio broadcasters, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the alert system and requires a state agency participating in the alert system to cooperate with DPS and assist in developing and implementing the alert system and establish a plan for providing relevant information to applicable state officers, investigators, or employees once the alert system has been activated.

H.B. 3619 sets out the criteria triggering the requirement that a local law enforcement agency notify DPS of the missing adult but authorizes DPS to modify that criteria as necessary for the proper implementation of the alert system. The bill requires DPS, on receipt of such notification, to confirm the accuracy of the information provided and, if confirmed, immediately issue an alert for a missing adult in accordance with DPS rules. The bill requires DPS, in issuing the alert, to

send the alert to designated media outlets in the county in which the adult is missing, any appropriate law enforcement agency, and a state agency participating in the alert system. The bill authorizes participating media outlets to issue the alert at designated intervals to assist in locating the missing adult following receipt of the alert and provides for the content of the alert and for the termination of the alert by the public safety director. The bill requires a local law enforcement agency that locates a missing adult who is the subject of an alert to notify DPS as soon as possible that the missing adult has been located.

EFFECTIVE DATE

September 1, 2017.