

BILL ANALYSIS

S.B. 1138
By: Whitmire
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that the state could do more to aid in the apprehension of individuals suspected of killing or causing serious bodily injury to a law enforcement officer. S.B. 1138 seeks to provide for the creation of a statewide blue alert system for such purposes.

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

S.B. 1138 amends the Government Code to require the Department of Public Safety (DPS), with the cooperation of the Texas Department of Transportation (TxDOT), the office of the governor, and other appropriate law enforcement agencies in Texas, to develop and implement a statewide blue alert system to be activated to aid in the apprehension of an individual suspected of killing or causing serious bodily injury to a law enforcement officer, defined by the bill as a person who is a peace officer under the Code of Criminal Procedure or a person who is an applicable federal law enforcement officer. The bill defines "law enforcement agency" as a law enforcement agency with jurisdiction over the investigation of an alleged offense that resulted in the death or serious bodily injury of a law enforcement officer. The bill designates the public safety director as the statewide coordinator of the alert system and requires the director to adopt rules and issue directives as necessary to ensure proper implementation of the alert system. The bill requires the rules and directives to include the procedures to be used by a law enforcement agency to verify whether an individual is suspected of killing or causing serious bodily injury to a law enforcement officer and is not yet apprehended and whether the activation of the alert system would aid in the apprehension of that individual, a description of the circumstances under which a law enforcement agency is required to report a missing suspect to DPS, and the procedures to be used by an individual or entity to report information about a missing suspect to designated media outlets in Texas. The bill requires the director to prescribe forms for use by law enforcement agencies in requesting activation of the alert system and requires DPS to recruit public and commercial 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.

S.B. 1138 requires a state agency participating in the alert system to cooperate with DPS and assist in developing and implementing the alert system and to establish a plan for providing relevant information to its officers, investigators, or employees, as appropriate, once the alert

system has been activated. The bill requires TxDOT, in addition to its duties as a state agency participating in the alert system, to establish a plan for providing relevant information to the public through an existing system of dynamic message signs located across Texas.

S.B. 1138 requires a law enforcement agency that receives notice of an individual who is suspected of killing or causing serious bodily injury to a law enforcement officer and who has not yet been apprehended to confirm the accuracy of the information and, if the agency believes the missing suspect poses a threat to other law enforcement officers and to the public, to provide notice to DPS. The bill requires an agency providing such notice to DPS to include with that notice a detailed description of the missing suspect and, if applicable, any available portion of the license plate number of a motor vehicle being used by the suspect. The bill requires DPS, when a law enforcement agency notifies DPS of such a suspect, to confirm the accuracy of the information and, if confirmed, immediately issue an alert through the alert system in accordance with DPS rules. The bill requires DPS, in issuing the alert, to send the alert to designated media outlets in Texas and authorizes participating radio stations, participating television stations, and other participating media outlets, following receipt of the alert, to issue the alert at designated intervals to assist in locating the missing suspect. The bill requires DPS to also send the alert to any appropriate law enforcement agency, TxDOT, and a state agency participating in the alert system and sets out the required contents of the alert.

S.B. 1138 requires the director to terminate any activation of the alert system with respect to a particular missing suspect not later than the earlier of the date on which the missing suspect is apprehended, DPS receives evidence that the missing suspect has left Texas, or DPS determines that the alert system will no longer aid in the apprehension of the missing suspect. The bill requires a law enforcement agency that apprehends a missing suspect who is the subject of a blue alert to notify DPS as soon as possible that the missing suspect has been apprehended.

EFFECTIVE DATE

September 1, 2017.