

By: Dean

H.B. No. 3436

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the blue alert system to aid in the apprehension of individuals who are suspected of harming law enforcement officers and individuals who are fugitives from correctional facilities.

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

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter P to read as follows:

SUBCHAPTER P. BLUE ALERT SYSTEM

Sec. 411.441. DEFINITIONS. In this subchapter:

(1) "Alert system" means the statewide blue alert system that is developed and implemented under this subchapter.

(2) "Custody" has the meaning assigned by Section 38.01, Penal Code.

(3) "Escape" has the meaning assigned by Section 38.01, Penal Code.

(4) "Law enforcement agency" means a law enforcement agency with jurisdiction over the investigation of:

(A) an alleged offense that resulted in the death or serious bodily injury of a law enforcement officer; or

(B) the escape of a fugitive from custody.

(5) "Law enforcement officer" means a person who is a peace officer under Article 2.12, Code of Criminal Procedure, or a person who is a federal law enforcement officer, as defined by 5

1 U.S.C. Section 8331(20).

2 (6) "Serious bodily injury" has the meaning assigned
3 by Section 1.07, Penal Code.

4 Sec. 411.442. BLUE ALERT SYSTEM. With the cooperation of
5 the Texas Department of Transportation, the office of the governor,
6 and other appropriate law enforcement agencies in this state, the
7 department shall develop and implement a statewide blue alert
8 system to be activated to aid in the apprehension of an individual
9 who:

10 (1) is suspected of killing or causing serious bodily
11 injury to a law enforcement officer; or

12 (2) has escaped from custody while the person is:

13 (A) under arrest for, lawfully detained for, or
14 charged with an offense punishable as a felony; or

15 (B) confined in a secure correctional facility,
16 as defined by Section 1.07, Penal Code.

17 Sec. 411.443. ADMINISTRATION. (a) The director is the
18 statewide coordinator of the alert system.

19 (b) The director shall adopt rules and issue directives as
20 necessary to ensure proper implementation of the alert system. The
21 rules and directives must include:

22 (1) the procedures to be used by a law enforcement
23 agency to verify whether:

24 (A) an individual is a suspect or fugitive as
25 described by Section 411.442 and is not yet apprehended; and

26 (B) the activation of the alert system would aid
27 in the apprehension of that individual;

1 (2) a description of the circumstances under which a
2 law enforcement agency is required to report a missing suspect or
3 fugitive to the department; and

4 (3) the procedures to be used by an individual or
5 entity to report information about a missing suspect or fugitive to
6 designated media outlets in Texas.

7 (c) The director shall prescribe forms for use by law
8 enforcement agencies in requesting activation of the alert system.

9 Sec. 411.444. DEPARTMENT TO RECRUIT PARTICIPANTS. The
10 department shall recruit public and commercial television and radio
11 broadcasters, private commercial entities, state or local
12 governmental entities, the public, and other appropriate persons to
13 assist in developing and implementing the alert system.

14 Sec. 411.445. STATE AGENCIES. (a) A state agency
15 participating in the alert system shall:

16 (1) cooperate with the department and assist in
17 developing and implementing the alert system; and

18 (2) establish a plan for providing relevant
19 information to its officers, investigators, or employees, as
20 appropriate, once the alert system has been activated.

21 (b) In addition to its duties as a state agency under
22 Subsection (a), the Texas Department of Transportation shall
23 establish a plan for providing relevant information to the public
24 through an existing system of dynamic message signs located across
25 the state.

26 Sec. 411.446. NOTIFICATION TO DEPARTMENT. (a) A law
27 enforcement agency that receives notice of a suspect or fugitive

1 who has not yet been apprehended shall:

2 (1) confirm the accuracy of the information; and

3 (2) if the agency believes the missing suspect or
4 fugitive poses a threat to other law enforcement officers or to the
5 public, provide notice to the department.

6 (b) A law enforcement agency providing notice to the
7 department under Subsection (a) shall include with that notice a
8 detailed description of the missing suspect or fugitive and, if
9 applicable, any available portion of the license plate number of a
10 motor vehicle being used by the suspect or fugitive.

11 Sec. 411.447. ACTIVATION OF BLUE ALERT SYSTEM. (a) When a
12 law enforcement agency notifies the department under Section
13 411.446, the department shall confirm the accuracy of the
14 information and, if confirmed, immediately issue an alert through
15 the alert system in accordance with department rules.

16 (b) In issuing the alert, the department shall send the
17 alert to designated media outlets in Texas. Following receipt of
18 the alert, participating radio stations and television stations and
19 other participating media outlets may issue the alert at designated
20 intervals to assist in locating the missing suspect or fugitive.

21 (c) The department shall also send the alert to:

22 (1) any appropriate law enforcement agency;

23 (2) the Texas Department of Transportation;

24 (3) the division of emergency management of the office
25 of the governor; and

26 (4) a state agency described by Section 411.445.

27 Sec. 411.448. CONTENT OF ALERT. The alert must include:

1 (1) all appropriate information that is provided by
2 the law enforcement agency under Section 411.446 and that may lead
3 to the apprehension of the missing suspect or fugitive; and

4 (2) a statement instructing any person with
5 information related to the missing suspect or fugitive to contact a
6 law enforcement agency.

7 Sec. 411.449. TERMINATION OF ALERT SYSTEM. (a) The
8 director shall terminate any activation of the alert system with
9 respect to a particular missing suspect or fugitive not later than
10 the earlier of the date on which:

11 (1) the missing suspect or fugitive is apprehended;

12 (2) the department receives evidence that the missing
13 suspect or fugitive has left this state; or

14 (3) the department determines that the alert system
15 will no longer aid in the apprehension of the missing suspect or
16 fugitive.

17 (b) A law enforcement agency that apprehends a missing
18 suspect or fugitive who is the subject of an alert under this
19 subchapter shall notify the department as soon as possible that the
20 missing suspect or fugitive has been apprehended.

21 SECTION 2. This Act takes effect September 1, 2017.