

By: Johnson of Harris

H.B. No. 3715

A BILL TO BE ENTITLED

AN ACT

relating to statewide alerts for missing adults.

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

SECTION 1. Section 411.383(b), Government Code, is amended to read as follows:

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

(1) the procedures to be used by a local law enforcement agency to verify whether a senior citizen:

(A) is missing; and

(B) has a mental or physical disability or other ~~an~~ impaired mental or physical condition;

(2) a description of the circumstances under which a local law enforcement agency is required to report a missing senior citizen to the department; and

(3) the procedures to be used by an individual or entity to report information about a missing senior citizen to designated media outlets in Texas.

SECTION 2. Section 411.386, Government Code, is amended to read as follows:

Sec. 411.386. NOTIFICATION TO DEPARTMENT OF MISSING SENIOR CITIZEN. (a) A local law enforcement agency may notify the department if the agency:

- 1 (1) receives notice of a missing senior citizen;
- 2 (2) verifies that at the time the senior citizen is
- 3 reported missing:
- 4 (A) the person reported missing is 65 years of
- 5 age or older;
- 6 (B) the senior citizen's location is unknown; and
- 7 (C) the senior citizen has a mental or physical
- 8 disability or other ~~an~~ impaired mental or physical condition; and
- 9 (3) determines that the senior citizen's disappearance
- 10 poses a credible threat to the senior citizen's health and safety.

11 (b) The local law enforcement agency shall:

- 12 (1) require the family or legal guardian of the
- 13 missing senior citizen to provide documentation of the senior
- 14 citizen's mental or physical disability or other impaired mental or
- 15 physical condition to verify the disability or condition as
- 16 required by Subsection (a)(2)(C); and
- 17 (2) as soon as practicable, determine whether the
- 18 senior citizen's disappearance poses a credible threat to the
- 19 senior citizen's health and safety for purposes of Subsection
- 20 (a)(3).

21 SECTION 3. Chapter 411, Government Code, is amended by

22 adding Subchapter P to read as follows:

23 SUBCHAPTER P. ALERT FOR MISSING ADULTS

24 Sec. 411.441. DEFINITIONS. In this subchapter:

- 25 (1) "Adult" means a person who is 18 years of age or
- 26 older but younger than 65 years of age.
- 27 (2) "Alert" means the statewide alert for missing

1 adults that is developed and implemented under this subchapter.

2 (3) "Local law enforcement agency" means a local law
3 enforcement agency with jurisdiction over the investigation of a
4 missing adult.

5 Sec. 411.442. ALERT FOR MISSING ADULTS. With the
6 cooperation of the Texas Department of Transportation, the office
7 of the governor, and other appropriate law enforcement agencies in
8 this state, the department shall develop and implement a statewide
9 alert to be activated on behalf of a missing adult.

10 Sec. 411.443. ADMINISTRATION. (a) The director is the
11 statewide coordinator of the alert.

12 (b) The director shall adopt rules and issue directives as
13 necessary to ensure proper implementation of the alert. The rules
14 and directives must include:

15 (1) the procedures to be used by a local law
16 enforcement agency to verify whether an adult is:

17 (A) missing; and

18 (B) in danger because of the adult's mental or
19 physical disability or other mental or physical condition;

20 (2) a description of the circumstances under which a
21 local law enforcement agency is required to report a missing adult
22 to the department; and

23 (3) the procedures to be used by an individual or
24 entity to report information about a missing adult to designated
25 media outlets in Texas.

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

1 Sec. 411.444. DEPARTMENT TO RECRUIT PARTICIPANTS. The
2 department shall recruit public and commercial television and radio
3 broadcasters, private commercial entities, state or local
4 governmental entities, the public, and other appropriate persons to
5 assist in developing and implementing the alert system.

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

8 (1) cooperate with the department and assist in
9 developing and implementing the alert system; and

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

13 (b) In addition to its duties as a state agency under
14 Subsection (a), the Texas Department of Transportation shall
15 establish a plan for providing relevant information to the public
16 through an existing system of dynamic message signs located across
17 the state.

18 Sec. 411.446. NOTIFICATION TO DEPARTMENT OF MISSING ADULT.

19 (a) A local law enforcement agency shall notify the department if
20 the agency:

21 (1) receives notice of a missing adult;

22 (2) verifies that at the time the adult is reported
23 missing:

24 (A) the person reported missing is 18 years of
25 age or older but younger than 65 years of age;

26 (B) the adult's location is unknown; and

27 (C) the adult has been missing for less than 72

1 hours;

2 (3) confirms that a preliminary investigation has
3 taken place with respect to the disappearance and that, as a result
4 of that investigation, the agency believes that the missing adult
5 is in danger because of the adult's mental or physical disability or
6 other mental or physical condition; and

7 (4) believes sufficient information is available to
8 disseminate to the public that could assist in locating the adult or
9 a vehicle being used by the adult.

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

13 Sec. 411.447. ACTIVATION OF ALERT. (a) When a local law
14 enforcement agency notifies the department under Section 411.446,
15 the department shall confirm the accuracy of the information and,
16 if confirmed, immediately issue an alert under this subchapter in
17 accordance with department rules.

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

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

- 24 (1) any appropriate local law enforcement agency; and
25 (2) the Texas Department of Transportation.

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

- 27 (1) all appropriate information that is provided by

1 the local law enforcement agency under Section 411.446 and that may
2 lead to the safe recovery of the missing adult; and

3 (2) a statement instructing any person with
4 information related to the missing adult to contact a local law
5 enforcement agency.

6 Sec. 411.449. TERMINATION OF ALERT. (a) The director shall
7 terminate any activation of the alert with respect to a particular
8 missing adult not later than the earlier of the date on which:

9 (1) the missing adult is located or the situation is
10 otherwise resolved; or

11 (2) the notification period ends, as determined by
12 department rule.

13 (b) A local law enforcement agency that locates a missing
14 adult who is the subject of an alert under this subchapter shall
15 notify the department as soon as possible that the missing adult has
16 been located.

17 SECTION 4. Not later than December 1, 2017, the public
18 safety director of the Department of Public Safety of the State of
19 Texas shall adopt rules as necessary to implement Sections 411.383
20 and 411.386, Government Code, as amended by this Act, and
21 Subchapter P, Chapter 411, Government Code, as added by this Act.

22 SECTION 5. This Act takes effect September 1, 2017.