By:  Bonnen of Galveston, et al. H.B. No. 1769

     (Senate Sponsor - Taylor)

(In the Senate - Received from the House April 29, 2019; April 30, 2019, read first time and referred to Committee on Transportation; May 8, 2019, reported favorably by the following vote: Yeas 8, Nays 0; May 8, 2019, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Nichols           X

Hancock           X

Alvarado          X

Hinojosa          X

Kolkhorst         X

Perry             X

Rodríguez         X

Schwertner                  X

West              X

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a statewide alert system for certain missing adults and to a study of the alert system.

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

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

SUBCHAPTER Q. ALERT FOR MISSING ADULTS

Sec. 411.461.  DEFINITIONS. In this subchapter:

(1)  "Adult" means a person who is 18 years of age or older but younger than 65 years of age.

(2)  "Alert" means the statewide alert for missing adults that is developed and implemented under this subchapter.

(3)  "Bodily injury" has the meaning assigned by Section 1.07, Penal Code.

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

Sec. 411.462.  ALERT FOR MISSING ADULTS. With the cooperation of the Texas Department of Transportation, the office of the governor, and other appropriate law enforcement agencies in this state, the department shall develop and implement a system to allow a statewide alert to be activated on behalf of a missing adult.

Sec. 411.463.  ADMINISTRATION. (a) The director is the statewide coordinator of the alert system.

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

(1)  the procedures to be used by a local law enforcement agency to verify whether an adult is missing and whether circumstances indicate that:

(A)  the missing adult is in imminent danger of bodily injury or death; or

(B)  the disappearance of the missing adult may not have been voluntary, including cases of abduction or kidnapping;

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

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

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

Sec. 411.464.  DEPARTMENT TO RECRUIT PARTICIPANTS. The department shall 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.

Sec. 411.465.  STATE AGENCIES. (a) A state agency participating in the alert system shall:

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

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

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

Sec. 411.466.  NOTIFICATION TO DEPARTMENT OF MISSING ADULT. (a) A local law enforcement agency shall notify the department if the agency:

(1)  receives a report regarding a missing adult;

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

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

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

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

(3)  confirms that a preliminary investigation has taken place with respect to the disappearance and that, as a result of that investigation, the agency believes that the adult is missing under circumstances described by Section 411.463(b)(1)(A) or (B); and

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

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

Sec. 411.467.  ACTIVATION OF ALERT. (a) When a local law enforcement agency notifies the department under Section 411.466, the department shall confirm the accuracy of the information and, if confirmed, immediately issue an alert under this subchapter in accordance with the department's rules and directives under Section 411.463.

(b)  The department may issue the alert on its own initiative, without receiving the notification described by Subsection (a), if the issuance conforms to the department's rules and directives and if the criteria described by Section 411.466(a) are satisfied.

(c)  In issuing the alert, the department shall send the alert to designated media outlets in this state. Following receipt of the alert, participating radio stations and television stations and other participating media outlets may issue the alert at designated intervals to assist in locating the missing adult.

(d)  The department shall also send the alert to:

(1)  any appropriate law enforcement agency;

(2)  the Texas Department of Transportation;

(3)  the Texas Lottery Commission; and

(4)  the Independent Bankers Association of Texas.

Sec. 411.468.  CONTENT OF ALERT. The alert must include:

(1)  all appropriate information that may lead to the safe recovery of the missing adult, as determined by the department; and

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

Sec. 411.469.  TERMINATION OF ALERT. (a) The director shall terminate any activation of the alert with respect to a particular missing adult not later than the earlier of the date on which:

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

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

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

Sec. 411.470.  LIMITATION ON PARTICIPATION BY TEXAS DEPARTMENT OF TRANSPORTATION. Notwithstanding Section 411.465(b), the Texas Department of Transportation is not required to use any existing system of dynamic message signs in a statewide alert system created under this subchapter if the department receives notice from the United States Department of Transportation Federal Highway Administration that the use of the signs would result in the loss of federal highway funding or other punitive actions taken against this state due to noncompliance with federal laws, regulations, or policies.

SECTION 2.  (a) The Department of Public Safety of the State of Texas shall conduct a study on the effectiveness of the statewide alert system described by Subchapter Q, Chapter 411, Government Code, as added by this Act. The study must investigate whether the statewide alert system fulfills the purpose for which the alert system was created and whether the alert system should be modified or expanded.

(b)  Not later than December 31, 2020, the Department of Public Safety of the State of Texas shall submit to the governor, lieutenant governor, and speaker of the house of representatives a report containing the results of the study conducted under Subsection (a) of this section, including any recommendations for proposed legislation.

(c)  This section expires December 31, 2021.

SECTION 3.  This Act takes effect September 1, 2019.

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