

AN ACT

relating to the creation of a statewide alert system for missing military members.

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. CAMO ALERT FOR MISSING MILITARY MEMBERS

Sec. 411.461. DEFINITIONS. In this subchapter:

(1) "Alert" means the statewide camo alert for missing military members that is developed and implemented under this subchapter.

(2) "Law enforcement agency" means a law enforcement agency with jurisdiction over the investigation of a missing military member.

(3) "Military member" means a person who is a current or former member of the United States armed forces, including the National Guard or a reserve or auxiliary unit of any branch of the armed forces.

Sec. 411.462. CAMO ALERT FOR MISSING MILITARY MEMBERS.

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 statewide camo alert to be activated on behalf of a missing military member who has elected to participate in the alert system

1 and who suffers from a mental illness, including post-traumatic  
2 stress disorder, or a traumatic brain injury.

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

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

8 (1) the procedures to be used by a law enforcement  
9 agency to verify whether a military member:

10 (A) is missing; and

11 (B) suffers from a mental illness, including  
12 post-traumatic stress disorder, or a traumatic brain injury;

13 (2) a description of the circumstances under which a  
14 law enforcement agency is required to report a missing military  
15 member to the department;

16 (3) the procedures to be used by an individual or  
17 entity to report information about a missing military member to  
18 designated media outlets in this state;

19 (4) guidelines for protecting the privacy of a missing  
20 military member for whom an alert has been issued; and

21 (5) the procedures to be used by a military member to  
22 opt into the alert system with respect to the member.

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

25 Sec. 411.464. DEPARTMENT TO RECRUIT PARTICIPANTS. The  
26 department shall recruit public and commercial television and radio  
27 broadcasters, private commercial entities, state or local

1 governmental entities, the public, and other appropriate persons to  
2 assist in developing and implementing the alert system.

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

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

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

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

15 Sec. 411.466. NOTIFICATION TO DEPARTMENT OF MISSING  
16 MILITARY MEMBER. (a) A law enforcement agency shall notify the  
17 department if the agency:

18 (1) receives a report regarding a missing military  
19 member who is determined by the agency to be a participant in the  
20 alert system;

21 (2) verifies that at the time the military member is  
22 reported missing:

23 (A) the person reported missing is a military  
24 member;

25 (B) the military member's location is unknown;  
26 and

27 (C) the military member suffers from a mental

1 illness, including post-traumatic stress disorder, or a traumatic  
2 brain injury; and

3 (3) determines that the military member's  
4 disappearance poses a credible threat to the military member's  
5 health and safety or the health and safety of another.

6 (b) A law enforcement agency shall verify the information  
7 required by Subsection (a)(2) and make the determination required  
8 by Subsection (a)(3) as soon as practicable after the agency  
9 receives a report regarding a missing military member.

10 (c) In verifying that the military member suffers from a  
11 mental illness, including post-traumatic stress disorder, or a  
12 traumatic brain injury as required by Subsection (a)(2)(C), the law  
13 enforcement agency shall require the family or legal guardian of  
14 the military member to provide documentation of the illness or  
15 injury.

16 Sec. 411.467. ACTIVATION OF CAMO ALERT. (a) When a law  
17 enforcement agency notifies the department under Section 411.466,  
18 the department shall confirm the accuracy of the information and,  
19 if confirmed, immediately issue an alert under this subchapter in  
20 accordance with department rules.

21 (b) In issuing the alert, the department shall send the  
22 alert to designated media outlets in this state. Following receipt  
23 of the alert, participating radio stations and television stations  
24 and other participating media outlets may issue the alert at  
25 designated intervals to assist in locating the missing military  
26 member.

27 Sec. 411.468. CONTENT OF CAMO ALERT. The alert must

1 include:

2 (1) all appropriate information that is provided by  
3 the law enforcement agency under Section 411.466 and that may lead  
4 to the safe recovery of the missing military member; and

5 (2) a statement instructing any person with  
6 information related to the missing military member to contact a law  
7 enforcement agency.

8 Sec. 411.469. TERMINATION OF CAMO ALERT. (a) The director  
9 shall terminate any activation of the alert with respect to a  
10 particular missing military member not later than the earlier of  
11 the date on which:

12 (1) the missing military member is located or the  
13 situation is otherwise resolved; or

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

16 (b) A law enforcement agency that locates a missing military  
17 member who is the subject of an alert under this subchapter shall  
18 notify the department as soon as possible that the missing military  
19 member has been located.

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

1 against this state due to noncompliance with federal laws,  
2 regulations, or policies.

3 Sec. 411.471. EXPIRATION OF SUBCHAPTER. This subchapter  
4 expires September 1, 2023.

5 SECTION 2. This Act takes effect September 1, 2019.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 833 was passed by the House on April 5, 2019, by the following vote: Yeas 131, Nays 6, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 833 was passed by the Senate on May 15, 2019, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor