

By: Hernandez

H.B. No. 833

Substitute the following for H.B. No. 833:

By: Flynn

C.S.H.B. No. 833

A BILL TO BE ENTITLED

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 suffers from a mental illness, including

1 post-traumatic stress disorder, or a traumatic brain injury.

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

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

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

9 (A) is missing; and

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

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

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

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

20 (5) the procedures to be used by a military member to
21 opt out of any activation of the alert system with respect to the
22 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;

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

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

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

26 (C) the military member suffers from a mental
27 illness, including post-traumatic stress disorder, or a traumatic

1 brain injury; and

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

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

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

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

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

26 Sec. 411.468. CONTENT OF CAMO ALERT. The alert must
27 include:

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

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

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

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

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

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

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

1 regulations, or policies.

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

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