

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

1 statewide coordinator of the alert system.

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

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

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

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

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

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

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

21 Sec. 411.464. DEPARTMENT TO RECRUIT PARTICIPANTS. The
22 department shall recruit public and commercial television and radio
23 broadcasters, private commercial entities, state or local
24 governmental entities, the public, and other appropriate persons to
25 assist in developing and implementing the alert system.

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

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

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

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

11 Sec. 411.466. NOTIFICATION TO DEPARTMENT OF MISSING ADULT.

12 (a) A local law enforcement agency shall notify the department if
13 the agency:

14 (1) receives a report regarding a missing adult;

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

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

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

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

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

27 (4) believes sufficient information is available to

1 disseminate to the public that could assist in locating the adult, a
2 person suspected of abducting or kidnapping the adult, or a vehicle
3 suspected of being used by the adult or in any abduction or
4 kidnapping of the adult.

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

8 Sec. 411.467. ACTIVATION OF ALERT. (a) When a local law
9 enforcement agency notifies the department under Section 411.466,
10 the department shall confirm the accuracy of the information and,
11 if confirmed, immediately issue an alert under this subchapter in
12 accordance with the department's rules and directives under Section
13 411.463.

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

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

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

25 (1) any appropriate law enforcement agency;

26 (2) the Texas Department of Transportation;

27 (3) the Texas Lottery Commission; and

1 (4) the Independent Bankers Association of Texas.

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

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

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

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

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

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

16 (b) A local law enforcement agency that locates a missing
17 adult who is the subject of an alert under this subchapter shall
18 notify the department as soon as possible that the missing adult has
19 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 SECTION 2. (a) The Department of Public Safety of the State
4 of Texas shall conduct a study on the effectiveness of the statewide
5 alert system described by Subchapter Q, Chapter 411, Government
6 Code, as added by this Act. The study must investigate whether the
7 statewide alert system fulfills the purpose for which the alert
8 system was created and whether the alert system should be modified
9 or expanded.

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

16 (c) This section expires December 31, 2021.

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

H.B. No. 1769

President of the Senate

Speaker of the House

I certify that H.B. No. 1769 was passed by the House on April 26, 2019, by the following vote: Yeas 136, Nays 3, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1769 was passed by the Senate on May 14, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor