

By: Johnson of Harris

H.B. No. 3407

A BILL TO BE ENTITLED

AN ACT

relating to an alert for a missing person with a guardian.

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

SECTION 1. The heading to Subchapter L, Chapter 411, Government Code, is amended to read as follows:

SUBCHAPTER L. STATEWIDE AMERICA'S MISSING: BROADCAST EMERGENCY RESPONSE (AMBER) ALERT SYSTEM FOR ABDUCTED CHILDREN AND CERTAIN OTHER MISSING PERSONS [~~WITH INTELLECTUAL DISABILITIES~~]

SECTION 2. Section 411.351, Government Code, is amended by amending Subdivisions (2), (2-a), (3), and (3-a) and adding Subdivisions (2-b) and (3-b) to read as follows:

(2) "Alert system" means the statewide America's Missing: Broadcast Emergency Response (AMBER) alert system for abducted children and certain other missing persons [~~with intellectual disabilities~~].

(2-a) "Guardian" has the meaning assigned by Section 1002.012, Estates Code.

(2-b) "Intellectual disability" means significantly subaverage general intellectual functioning that is concurrent with deficits in adaptive behavior and originates during the developmental period. The term includes a pervasive developmental disorder.

(3) "Local law enforcement agency" means a local law enforcement agency with jurisdiction over the investigation of:

(A) the abduction of a child; ~~or~~

(B) a missing person with an intellectual disability; or

(C) a missing person with a guardian.

(3-a) "Person with a guardian" means a person for whom a guardian has been appointed.

(3-b) "Pervasive developmental disorder" means a disorder that meets the criteria for a pervasive developmental disorder established in the most recent Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

SECTION 3. Section 411.352, Government Code, is amended to read as follows:

Sec. 411.352. STATEWIDE AMERICA'S MISSING: BROADCAST EMERGENCY RESPONSE (AMBER) ALERT SYSTEM FOR ABDUCTED CHILDREN AND CERTAIN OTHER MISSING PERSONS ~~[WITH INTELLECTUAL DISABILITIES]~~.

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 alert system to be activated on behalf of an abducted child, ~~or~~ a missing person with an intellectual disability, or a missing person with a guardian.

SECTION 4. Section 411.355(b), Government Code, is amended to read as follows:

(b) On the request of a local law enforcement agency regarding a missing person with an intellectual disability or a missing person with a guardian, the department shall activate the

1 alert system and notify appropriate participants in the alert
2 system, as established by rule, if:

3 (1) the local law enforcement agency receives notice
4 of a missing person with an intellectual disability or with a
5 guardian;

6 (2) the local law enforcement agency verifies that at
7 the time the person is reported missing:

8 (A) the person, as applicable:

9 (i) has an intellectual disability, as
10 determined according to the procedure provided by Section 593.005,
11 Health and Safety Code; or

12 (ii) has a guardian; and

13 (B) the person's location is unknown;

14 (3) the local law enforcement agency determines that
15 the person's disappearance poses a credible threat to the person's
16 health and safety; and

17 (4) sufficient information is available to
18 disseminate to the public that could assist in locating the person.

19 SECTION 5. Sections 411.358 and 411.359, Government Code,
20 are amended to read as follows:

21 Sec. 411.358. TERMINATION. The director shall terminate
22 any activation of the alert system with respect to a particular
23 abducted child, ~~[or a particular]~~ missing person with an
24 intellectual disability, or missing person with a guardian if:

25 (1) the abducted child or missing person is recovered
26 or the situation is otherwise resolved; or

27 (2) the director determines that the alert system is

1 no longer an effective tool for locating and recovering the
2 abducted child or missing person.

3 Sec. 411.359. SYSTEM NAME. The director by rule may assign
4 a name other than America's Missing: Broadcast Emergency Response
5 (AMBER) to the alert system when the system is activated regarding a
6 missing person with an intellectual disability or a missing person
7 with a guardian.

8 SECTION 6. Not later than December 1, 2019, the Public
9 Safety Commission shall adopt rules and the public safety director
10 of the Department of Public Safety of the State of Texas shall issue
11 directives necessary to implement Subchapter L, Chapter 411,
12 Government Code, as amended by this Act.

13 SECTION 7. This Act takes effect September 1, 2019.