

By: Rose

H.B. No. 3532

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a countywide alert system for missing adults.

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.

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

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

Sec. 411.462. ALERT FOR MISSING ADULTS. With the cooperation of the office of the governor and appropriate local law enforcement agencies and state agencies, the department shall develop and implement a system to allow a countywide alert to be activated in a county 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 (1) the procedures to be used by a local law
2 enforcement agency to verify whether an adult is:

3 (A) missing; and

4 (B) in imminent danger of serious bodily injury
5 or death;

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

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

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

15 Sec. 411.464. DEPARTMENT TO RECRUIT PARTICIPANTS. The
16 department shall recruit local television and radio broadcasters,
17 private commercial entities, state or local governmental entities,
18 the public, and other appropriate persons to assist in developing
19 and implementing the alert system.

20 Sec. 411.465. STATE AGENCIES. A state agency participating
21 in the alert system shall:

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

24 (2) establish a plan for providing relevant
25 information to applicable state officers, investigators, or
26 employees once the alert system has been activated.

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

1 (a) A local law enforcement agency with jurisdiction over the
2 matter shall notify the department if the agency:

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

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

6 (A) the person reported missing is 18 years of
7 age or older;

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

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

11 (3) confirms that a preliminary investigation has
12 taken place with respect to the disappearance and that, as a result
13 of that investigation, the agency believes that the missing adult
14 is in imminent danger of serious bodily injury or death; and

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

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

22 Sec. 411.467. ACTIVATION OF ALERT. (a) When a local law
23 enforcement agency notifies the department under Section 411.466,
24 the department shall confirm the accuracy of the information and,
25 if confirmed, immediately issue an alert under this subchapter in
26 accordance with the department's rules and directives under Section
27 411.463.

1 (b) The department may issue the alert on its own
2 initiative, without receiving the notification described by
3 Subsection (a), if:

4 (1) the issuance conforms to the department's rules
5 and directives; and

6 (2) the criteria described by Section 411.466(a) are
7 satisfied.

8 (c) In issuing the alert, the department shall send the
9 alert to designated media outlets in the county in which the adult
10 is missing. Following receipt of the alert, participating radio
11 stations and television stations and other participating media
12 outlets may issue the alert at designated intervals to assist in
13 locating the missing adult.

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

15 (1) any appropriate local law enforcement agency; and

16 (2) a state agency described by Section 411.465.

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

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

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

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

27 (1) the missing adult is located or the situation is

1 otherwise resolved; or

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

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

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