

BILL ANALYSIS

C.S.H.B. 2922
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are ongoing concerns that the current statewide alert systems do not adequately address situations in which adolescents are in imminent danger because they are reported or alleged to be with a registered sex offender without parental or guardian consent. Highly vulnerable adolescents in Texas are often susceptible to negative influences that pose a significant and immediate threat to the adolescent's safety. There have been calls to create an alert system to provide law enforcement with another tool to keep children safe and aid in the fight against human trafficking. C.S.H.B. 2922 seeks to address this issue by providing for the creation of a statewide alert system for certain adolescents in danger.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the public safety director of DPS and the Department of Public Safety in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 2922 amends the Government Code to require the Department of Public Safety (DPS), with the cooperation of the Texas Department of Transportation (TxDOT), the office of the governor, and other appropriate law enforcement agencies in Texas, to develop and implement a system to allow a statewide alert to be activated on behalf of an adolescent in danger, defined as an individual 16 years of age or younger who is reported or suspected to be with a registered sex offender. The bill does the following with regard to the alert system:

- establishes that the public safety director of DPS is the statewide coordinator of the alert system;
- requires the director to adopt rules and issue directives as necessary to ensure proper implementation of the alert system;
- sets out the required contents of those rules and directives and requires the director to prescribe forms for use by local law enforcement agencies in requesting activation of the alert system;
- requires DPS to recruit public and commercial television and radio broadcasters, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the alert system;
- sets out requirements for state agencies participating in the alert system;
- requires TxDOT, in addition to its duties as a participating state agency, to establish a plan for providing relevant information to the public through an existing system of dynamic message signs across the state;

- sets out the criteria under which a local law enforcement agency may notify DPS regarding an adolescent in danger;
- authorizes DPS to modify the criteria as necessary for the proper implementation of the alert system;
- requires a local law enforcement agency, in determining whether to notify DPS, to consider certain factors relevant to the safety of the adolescent in danger; and
- provides for the activation, content, and termination of an alert and for a limitation on the participation by TxDOT in the system under certain conditions.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2922 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The original established criteria under which a local law enforcement agency may notify DPS regarding an adolescent in danger. The substitute revises those conditions by doing the following:

- changing the age of the applicable adolescent from younger than 16 years of age to 16 years of age or younger;
- removing the specification that the registered sex offender the child is reported or suspected to be with is a person other than the adolescent's parent or guardian; and
- including a separate specification that the criteria regarding the taking of the adolescent from the care and custody of the adolescent's parent or legal guardian applies regardless of whether the adolescent departed willingly with a registered sex offender who is not the adolescent's parent or guardian.