87R557 JG-D

By:  Smith H.B. No. 377

A BILL TO BE ENTITLED

AN ACT

relating to an alert for a missing person experiencing a mental health crisis.

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), (3), and (3-a) and adding Subdivision (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~~].

(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 experiencing a mental health crisis.

(3-a)  "Person experiencing a mental health crisis" means a person who is experiencing a mental health crisis and due to that crisis poses a danger to the person or to others.

(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 experiencing a mental health crisis.

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 experiencing a mental health crisis, the department shall activate the alert system and notify appropriate participants in the alert system, as established by rule, if:

(1)  the local law enforcement agency receives notice of a missing person with an intellectual disability or a missing person experiencing a mental health crisis;

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

(A)  the person, as applicable:

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

(ii)  is experiencing a mental health crisis and due to that crisis poses a danger to the person or to others; and

(B)  the person's location is unknown;

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

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

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

Sec. 411.358.  TERMINATION. The director shall terminate any activation of the alert system with respect to a particular abducted child, [~~or a particular~~] missing person with an intellectual disability, or missing person experiencing a mental health crisis if:

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

(2)  the director determines that the alert system is no longer an effective tool for locating and recovering the abducted child or missing person.

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

SECTION 6.  Not later than December 1, 2021, the Public Safety Commission shall adopt rules and the public safety director of the Department of Public Safety of the State of Texas shall issue directives necessary to implement Subchapter L, Chapter 411, Government Code, as amended by this Act.

SECTION 7.  This Act takes effect September 1, 2021.