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By:  Buckley H.B. No. 2922

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a statewide alert system for certain adolescents in danger.

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

SECTION 1.  Chapter 411, Government Code, is amended by adding Subchapter S to read as follows:

SUBCHAPTER S. ALERT FOR ADOLESCENTS IN DANGER

Sec. 411.551.  DEFINITIONS. In this subchapter:

(1)  "Adolescent in danger" means an individual 16 years of age or younger who is reported or suspected to be with a registered sex offender.

(2)  "Alert" means the statewide alert for an adolescent in danger 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 an adolescent in danger.

(5)  "Registered sex offender" means an individual who is required to register as a sex offender under Chapter 62, Code of Criminal Procedure.

Sec. 411.552.  ALERT FOR ADOLESCENTS IN DANGER. 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 an adolescent in danger.

Sec. 411.553.  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)  the procedures to be used by a local law enforcement agency to verify whether an adolescent is reported or suspected to be with a registered sex offender and whether circumstances indicate that the adolescent is in imminent danger of suffering bodily injury or becoming a victim of an offense described by Article 62.001(5), Code of Criminal Procedure;

(2)  a description of the circumstances under which a local law enforcement agency may report an adolescent in danger to the department; and

(3)  the procedures to be used by an individual or entity to report information about an adolescent in danger to designated media outlets in this state.

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

Sec. 411.554.  DEPARTMENT TO RECRUIT PARTICIPANTS. The department shall 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.

Sec. 411.555.  STATE AGENCIES. (a) A state agency participating in the alert system shall:

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

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

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

Sec. 411.556.  NOTIFICATION TO DEPARTMENT OF ADOLESCENT IN DANGER. (a) A local law enforcement agency may notify the department regarding an adolescent in danger if:

(1)  the local law enforcement agency believes that an adolescent is in danger and circumstances indicate that:

(A)  the adolescent is younger than 16 years of age;

(B)  the adolescent is reported or suspected to be with a registered sex offender other than the adolescent's parent or guardian, including a registered sex offender related to the child by any degree of consanguinity or affinity as defined under Subchapter B, Chapter 573; and

(C)  regardless of whether the adolescent departed willingly with the other person, the adolescent has been taken from the care and custody of the adolescent's parent or legal guardian without the permission of the parent or guardian or, if the parent or guardian is a registered sex offender, with or without the parent's or guardian's permission;

(2)  the local law enforcement agency believes that the adolescent is in immediate danger of suffering bodily injury or becoming the victim of an offense under Article 62.001(5), Code of Criminal Procedure; and

(3)  sufficient information is available to disseminate to the public that could assist in locating the adolescent in danger, a registered sex offender suspected of being with the adolescent in danger, or a vehicle suspected of being used by the registered sex offender or the adolescent in danger.

(b)  In determining whether to notify the department, the local law enforcement agency shall consider all factors relevant to the safety of the adolescent in danger, including:

(1)  whether the registered sex offender has previously committed criminal acts of violence; and

(2)  whether the registered sex offender is more than three years older than the adolescent in danger.

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

Sec. 411.557.  ACTIVATION OF ALERT. (a) When a local law enforcement agency notifies the department under Section 411.556, the department shall confirm the accuracy of the information and, if confirmed, immediately issue an alert under this subchapter in accordance with the department's rules and directives under Section 411.553.

(b)  The department may issue the alert on its own initiative, without receiving the notification described by Subsection (a), if the issuance conforms to the department's rules and directives and if the criteria described by Section 411.556(a) are satisfied.

(c)  In issuing the alert, the department shall send the alert to designated media outlets in this state. Following receipt of the alert, participating radio stations and television stations and other participating media outlets may issue the alert at designated intervals to assist in locating the adolescent in danger.

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

(1)  any appropriate law enforcement agency;

(2)  the Texas Department of Transportation;

(3)  the Texas Lottery Commission; and

(4)  the Independent Bankers Association of Texas.

Sec. 411.558.  CONTENT OF ALERT. The alert must include:

(1)  all appropriate information that may lead to the safe recovery of the adolescent in danger, as determined by the department; and

(2)  a statement instructing any person with information related to the adolescent in danger to contact a local or state law enforcement agency.

Sec. 411.559.  TERMINATION OF ALERT. (a) The director shall terminate any activation of the alert with respect to a particular adolescent in danger not later than the earlier of the date on which:

(1)  the adolescent in danger is located or the situation is otherwise resolved; or

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

(b)  A local law enforcement agency that locates an adolescent in danger who is the subject of an alert under this subchapter shall notify the department as soon as possible that the adolescent in danger has been located.

Sec. 411.560.  LIMITATION ON PARTICIPATION BY TEXAS DEPARTMENT OF TRANSPORTATION. Notwithstanding Section 411.555(b), the Texas Department of Transportation is not required to use any existing system of dynamic message signs in a statewide alert system created under this subchapter if the department receives notice from the United States Department of Transportation Federal Highway Administration that the use of the signs would result in the loss of federal highway funding or other punitive actions taken against this state due to noncompliance with federal laws, regulations, or policies.

SECTION 2.  This Act takes effect September 1, 2021.