

By: Smith

H.B. No. 377

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to an alert for a missing person experiencing a mental  
3 health crisis.

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

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

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

10 SECTION 2. Section 411.351, Government Code, is amended by  
11 amending Subdivisions (2), (3), and (3-a) and adding Subdivision  
12 (3-b) to read as follows:

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

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

19 (A) the abduction of a child; [~~or~~]

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

22 (C) a missing person experiencing a mental health  
23 crisis.

24 (3-a) "Person experiencing a mental health crisis"

1 means a person who is experiencing a mental health crisis and due to  
2 that crisis poses a danger to the person or to others.

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

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

10 Sec. 411.352. STATEWIDE AMERICA'S MISSING: BROADCAST  
11 EMERGENCY RESPONSE (AMBER) ALERT SYSTEM FOR ABDUCTED CHILDREN AND  
12 CERTAIN OTHER MISSING PERSONS [~~WITH INTELLECTUAL DISABILITIES~~].  
13 With the cooperation of the Texas Department of Transportation, the  
14 office of the governor, and other appropriate law enforcement  
15 agencies in this state, the department shall develop and implement  
16 a statewide alert system to be activated on behalf of an abducted  
17 child, ~~[or]~~ a missing person with an intellectual disability, or a  
18 missing person experiencing a mental health crisis.

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

21 (b) On the request of a local law enforcement agency  
22 regarding a missing person with an intellectual disability or a  
23 missing person experiencing a mental health crisis, the department  
24 shall activate the alert system and notify appropriate participants  
25 in the alert system, as established by rule, if:

26 (1) the local law enforcement agency receives notice  
27 of a missing person with an intellectual disability or a missing

1 person experiencing a mental health crisis;

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

4 (A) the person, as applicable:

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

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

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

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

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

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

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

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

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

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

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

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