

By: Buckley, Guillen

H.B. No. 2922

Substitute the following for H.B. No. 2922:

By: White

C.S.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

1 of the governor, and other appropriate law enforcement agencies in
2 this state, the department shall develop and implement a system to
3 allow a statewide alert to be activated on behalf of an adolescent
4 in danger.

5 Sec. 411.553. ADMINISTRATION. (a) The director is the
6 statewide coordinator of the alert system.

7 (b) The director shall adopt rules and issue directives as
8 necessary to ensure proper implementation of the alert system. The
9 rules and directives must include:

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

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

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

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

24 Sec. 411.554. DEPARTMENT TO RECRUIT PARTICIPANTS. The
25 department shall recruit public and commercial television and radio
26 broadcasters, private commercial entities, state or local
27 governmental entities, the public, and other appropriate persons to

1 assist in developing and implementing the alert system.

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

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

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

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

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

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

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

20 (B) the adolescent is reported or suspected to be
21 with a registered sex offender, including a registered sex offender
22 related to the child by any degree of consanguinity or affinity as
23 defined under Subchapter B, Chapter 573; and

24 (C) regardless of whether the adolescent
25 departed willingly with the registered sex offender, if the
26 registered sex offender described by Paragraph (B) is not the
27 adolescent's parent or guardian, the adolescent has been taken from

1 the care and custody of the adolescent's parent or legal guardian:

2 (i) without the permission of the
3 adolescent's parent or guardian; or

4 (ii) if the adolescent's parent or guardian
5 is a registered sex offender, with or without the parent's or
6 guardian's permission;

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

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

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

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

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

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

26 Sec. 411.557. ACTIVATION OF ALERT. (a) When a local law
27 enforcement agency notifies the department under Section 411.556,

1 the department shall confirm the accuracy of the information and,
2 if confirmed, immediately issue an alert under this subchapter in
3 accordance with the department's rules and directives under Section
4 411.553.

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

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

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

17 (1) any appropriate law enforcement agency;

18 (2) the Texas Department of Transportation;

19 (3) the Texas Lottery Commission; and

20 (4) the Independent Bankers Association of Texas.

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

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

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

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

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

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

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

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

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