

## **BILL ANALYSIS**

C.S.H.B. 1769  
By: Bonnen, Greg  
Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been noted that currently there are statewide alert systems for missing children and certain vulnerable adults, such as the AMBER alert and silver alert systems. It has been suggested that the public would benefit from the creation of an alert system to be activated for missing or endangered adults between the ages of 18 and 65, particularly in light of the risk of violent crime many women face on a daily basis. C.S.H.B. 1769 seeks to provide for the development and implementation of such an alert system.

### **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 the Department of Public Safety in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 1769 amends the Government Code to require the Department of Public Safety (DPS), with the cooperation of the Texas Department of Transportation (TxDOT), the governor's office, and other appropriate law enforcement agencies in Texas, to develop and implement a statewide alert system to be activated on behalf of a missing adult who is 18 years of age or older but younger than 65 years of age. The bill makes the public safety director of DPS 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, and sets out requirements for those rules and directives. The bill requires the director to prescribe forms for use by local law enforcement agencies with jurisdiction over the investigation of a missing adult in requesting activation of the alert system.

C.S.H.B. 1769 requires DPS to recruit public and commercial television and radio broadcasters, private commercial entities, state or local government entities, the public, and other appropriate persons to assist in developing and implementing the alert system and sets out duties for a state agency participating in the alert system. The bill requires TxDOT to establish a plan for providing relevant information to the public through an existing system of dynamic message signs located across Texas.

C.S.H.B. 1769 sets out the criteria under which a local law enforcement agency is required to notify DPS of a missing adult and authorizes DPS to modify the criteria as necessary for the proper implementation of the alert system. The bill requires DPS, when notified by a local law enforcement agency of a missing adult, to immediately issue an alert in accordance with DPS rules and directives adopted under the bill's provisions. The bill authorizes DPS to issue the alert

on its own initiative if it conforms to DPS rules and directives and if the criteria under which a local law enforcement agency is required to notify DPS of a missing adult are satisfied. The bill provides for the manner by which the alert is activated and terminated and sets out the required contents of the alert. The bill requires a local law enforcement agency that locates a missing adult who is the subject of an alert to notify DPS as soon as possible that the missing adult has been located.

C.S.H.B. 1769 provides that TxDOT is not required to use any existing system of dynamic message signs in the statewide alert system if TxDOT receives notice from the U.S. 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 the state due to noncompliance with federal laws, regulations, or policies.

C.S.H.B. 1769 requires DPS to conduct a study on the effectiveness of the statewide alert system for missing adults established by the bill and requires the study to investigate whether the alert system fulfills the purpose for which it was created and whether the alert system should be modified or expanded. The bill requires DPS to submit a report containing the results of the study to the governor, lieutenant governor, and speaker of the house of representatives not later than December 31, 2020. These provisions regarding the study expire December 31, 2021.

### **EFFECTIVE DATE**

September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1769 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 substitute changes the criteria under which a local law enforcement agency is required to notify DPS of a missing adult.

The substitute includes a provision establishing that TxDOT is not required to use an existing system of dynamic message signs in the alert system if that use would result in the loss of federal highway funding or other punitive actions taken against the state due to noncompliance with federal laws, regulations, or policies.

The substitute does not include a provision requiring the rules and directives adopted for the implementation of the alert system to include procedures to be used to verify whether a missing adult is living with a proven mental or physical disability.