

- SUBJECT:** Creating a statewide alert system for missing military members
- COMMITTEE:** Defense and Veterans' Affairs — committee substitute recommended
- VOTE:** 6 ayes — Flynn, Tinderholt, Ashby, Hinojosa, Reynolds, Romero
- 1 nay — Ramos
- 1 absent — Lozano
- WITNESSES:** For — (*Registered, but did not testify:* Jose Carlos Gonzalez, Gonzalez and Associates Homeland Security; Aimee Bertrand, Harris County Commissioners Court; Shelia Chatman; Valerie James; LaShondra Jones)
- Against — None
- On — Nim Kidd, Texas Division of Emergency Management; (*Registered, but did not testify:* James Cunningham, Texas Coalition of Veterans Organizations and Texas Council of Chapters of the Military Officers Association of America; Michael Chacon, Texas Department of Transportation)
- DIGEST:** CSHB 833 would create a statewide camo alert to be activated on behalf of missing military members who suffered from a mental illness, including post-traumatic stress disorder, or a traumatic brain injury.
- This alert could be issued for a current or former member of the U.S. armed forces, including the National Guard or a reserve or auxiliary unit of any branch of the armed forces. The alert would be required to include all appropriate information provided by a law enforcement agency that could lead to a safe recovery of the missing military member and a statement instructing any person with information regarding the missing military member to contact a law enforcement agency.
- The Department of Public Safety (DPS) would be required to develop and implement the alert in cooperation with the Texas Department of

Transportation (TxDOT), the office of the governor, and appropriate state law enforcement agencies. The public safety director would be the statewide coordinator of the camo alert. DPS would be required to 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 camo alert system.

A state agency participating in the camo alert system would be required to cooperate with DPS, assist in developing and implementing the alert system, and establish a plan for providing relevant information to its personnel once the alert system had been activated. TxDOT would be required to create a plan for providing relevant information to the public through the existing system of dynamic message signs located across the state.

Rules. The public safety director would be required to adopt rules and issue directives to ensure the proper implementation of the alert. These rules and directives would include:

- the procedures to be used by a law enforcement agency to verify that a military member was missing and suffered from a mental illness or traumatic brain injury;
- a description of the circumstances under which law enforcement agencies would be required to report a missing military member to DPS;
- the procedures to be used by an individual or entity to report information about a missing military member to a designated media outlet in the state;
- guidelines for protecting the privacy of a military member for whom a camo alert had been issued; and
- the procedures by which a military member could opt out of any activation of the alert.

The public safety director would be required to prescribe forms to be used by law enforcement agencies in requesting activation of the alert system.

Notification to DPS of missing military members. A law enforcement agency would be required to notify DPS if the agency:

- received a report regarding a missing military member;
- verified that the person was a member of the military, that the member's location was unknown, and that the member suffered from a mental illness, including PTSD, or a traumatic brain injury; and
- determined that the military member's disappearance posed a credible threat to the health and safety of the member or of another person.

As soon as practicable after receiving a report concerning a missing military member, a law enforcement agency would be required to verify information concerning the military member and make a determination regarding a credible threat to health and safety. The family or legal guardian of a missing military member would be required to provide documentation of the member's mental illness or traumatic brain injury to a law enforcement agency to verify a member's medical condition.

Camo alert activation and termination. Upon receiving notification from a law enforcement agency of a missing military member, DPS would be required to confirm the accuracy of the information. If the information was confirmed, DPS would be required to immediately issue a camo alert in accordance with the provisions of this bill and DPS rules. DPS would be required to send the alert to designated media outlets in the state. Participating media outlets could then issue the alert at designated intervals to assist in locating the missing military member.

The public safety director would be required to terminate the activation of an alert if the military member was located, the situation was otherwise resolved, or the notification period as determined by DPS rule ended. A law enforcement agency that located a missing military member who was the subject of an alert would be required to notify DPS as soon as possible.

Limitation on TxDOT participation. TxDOT would not be required to use dynamic message signs in a statewide alert if the department received notice from the U.S. Department of Transportation Federal Highway Administration that the use of these signs would result in a loss of federal highway funds or any other punitive action taken against the state resulting from non-compliance with federal laws, regulations, or policies.

Effective date. The bill would take effect on September 1, 2019, and its provisions would expire on September 1, 2023.

**SUPPORTERS
SAY:**

CSHB 833 would provide a much-needed tool for law enforcement to locate missing military members with mental illness, including post-traumatic stress disorder (PTSD) or traumatic brain injury, who were at risk of harming themselves or others. Implementing a camo alert could save the lives of these missing military members by raising public awareness of their disappearance.

Under this bill, families of missing military members would have the support they need to locate these vulnerable individuals. The bill would enable law enforcement agencies to notify the Department of Public Safety (DPS) of missing military members and ensure a statewide alert was issued. Participating media outlets would be enlisted to help issue camo alerts, raising public awareness of the disappearance of military members and helping to locate them.

DPS could use this tool in very specific cases to help locate missing military members with mental illness or traumatic brain injury. It is especially critical to reach this vulnerable population because PTSD and traumatic brain injury are two conditions associated with disappearance and suicide. In the absence of a statewide alert system, members of the public are not equipped to recognize a missing military member suffering from mental illness or a traumatic brain injury and to notify law enforcement.

A number of similar alert systems in Texas for other vulnerable

individuals have been shown to save lives without burdening or overwhelming the public. The camo alert system would be implemented in a similar way, using existing technologies. Because an alert would be used only to locate a missing military member determined to be at risk of harm, it would not result in an oversaturation of alerts. Other states that have created statewide alert systems for missing military members have not seen a large increase in the number of alerts.

The bill would protect the identities of missing military members by requiring the public safety director to develop rules and issue directives ensuring the privacy of individuals for whom an alert was issued. Similar to a silver alert, no personal information on the missing military member would be displayed in alerts. The bill also would protect military members' right to privacy by ensuring they had the ability to opt out of the statewide camo alert system.

Although procedures for the emergency medical detention of individuals at risk of harming themselves or others currently exist, these orders are rare because they are issued only for individuals with prior episodes. In addition, the option of emergency medical detention would be irrelevant in cases covered by the camo alert system because the location of a military member that is the subject of an alert would be unknown.

**OPPONENTS
SAY:**

CSHB 833 would create an unnecessary statewide alert for a missing military member. Law enforcement and medical personnel already have the capability of detaining individuals suffering from mental illness or brain injury who are at risk of harming themselves or others. Creating another alert system in addition to the AMBER, silver, and blue alert systems for missing persons could lead to oversaturation and could desensitize the public to missing person alerts, undermining their effectiveness.

CSHB 833 could jeopardize the privacy of missing military members by issuing a statewide alert that included information about their medical conditions. Mental illnesses, including PTSD and traumatic brain injury, are sensitive conditions that should not be publicly shared without strict

protection of an individual's identity. The bill also could subject military members' personal decisions to statewide scrutiny.

Such alerts could risk triggering a PTSD episode in missing military members who suffered from the condition by broadcasting their missing status across the state.

**OTHER
OPPONENTS
SAY:**

The bill would create a high barrier to using the camo alert system by requiring families or guardians of missing military members to offer documentation of a member's mental illness or traumatic brain injury. It could be difficult for families to access or locate a missing military member's medical records and provide them to a law enforcement agency.