

## **BILL ANALYSIS**

Senate Research Center  
86R6804 JCG-D

H.B. 1769  
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Transportation  
5/6/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

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. H.B. 1769 seeks to provide for the development and implementation of such an alert system.

H.B. 1769 requires the Department of Public Safety of the State of Texas to develop and implement a statewide alert for missing adults. The alert system applies to an adult between the ages of 18 and 65 who is missing for less than 72 hours and is in imminent danger of injury or death or appears to have been abducted or kidnapped.

The bill contains language that will protect the Texas Department of Transportation from any potential loss in federal funding.

H.B. 1769 amends current law relating to the creation of a statewide alert system for certain missing adults and to a study of the alert system.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the public safety director in SECTION 1 (Section 411.463, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 411, Government Code, by adding Subchapter Q, as follows:

#### **SUBCHAPTER Q. ALERT FOR MISSING ADULTS**

Sec. 411.461. DEFINITIONS. Defines "adult," "alert," "bodily injury," and "local law enforcement agency" for purposes of this subchapter.

Sec. 411.462. ALERT FOR MISSING ADULTS. Requires the Department of Public Safety of the State of Texas (DPS) with the cooperation of the Texas Department of Transportation (TxDOT), the Office of the Governor, and other appropriate law enforcement agencies in this state, to develop and implement a system to allow a statewide alert to be activated on behalf of a missing adult.

Sec. 411.463. ADMINISTRATION. (a) Provides that the public safety director (director) is the statewide coordinator of the alert system.

(b) Requires the director to adopt rules and issue directives as necessary to ensure proper implementation of the alert system. Requires the rules and directives to include:

(1) the procedures to be used by a local law enforcement agency to verify whether an adult is missing and whether circumstances indicate that:

(A) the missing adult is in imminent danger of bodily injury or death; or

(B) the disappearance of the missing adult may not have been voluntary, including cases of abduction or kidnapping;

(2) a description of the circumstances under which a local law enforcement agency is required to report a missing adult to DPS; and

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

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

Sec. 411.464. DEPARTMENT TO RECRUIT PARTICIPANTS. Requires DPS 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 alert system.

Sec. 411.465. STATE AGENCIES. (a) Requires a state agency participating in the alert system to cooperate with DPS and assist in developing and implementing the alert system and establish a plan for providing relevant information to its officers, investigators, or employees, as appropriate, once the alert system has been activated.

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

Sec. 411.466 NOTIFICATION TO DEPARTMENT OF MISSING ADULT. (a) Requires a local law enforcement agency to notify DPS if the agency:

(1) receives a report regarding a missing adult;

(2) verifies that at the time the adult is reported missing:

(A) the person reported missing is 18 years of age or older but younger than 65 years of age;

(B) the adult's location is unknown; and

(C) the adult has been missing for less than 72 hours;

(3) confirms that a preliminary investigation has taken place with respect to the disappearance and that, as a result of that investigation, the agency believes that the adult is missing under circumstances described by Section 411.463(b)(1)(A) or (B); and

(4) believes sufficient information is available to disseminate to the public that could assist in locating the adult, a person suspected of abducting or kidnapping the adult, or a vehicle suspected of being used by the adult or in any abduction or kidnapping of the adult.

(b) Authorizes DPS to modify the criteria described by Subsection (a) as necessary for the proper implementation of the alert system.

Sec. 411.467. ACTIVATION OF ALERT. (a) Requires DPS, when a local law enforcement agency notifies DPS under Section 411.466, to confirm the accuracy of the

information and, if confirmed, immediately issue an alert under this subchapter in accordance with DPS rules and directives under Section 411.463.

(b) Authorizes DPS to issue the alert on its own initiative, without receiving the notification described by Subsection (a), if the issuance conforms to DPS rules and directives and if the criteria described by Section 411.466(a) are satisfied.

(c) Requires DPS, in issuing the alert, to send the alert to designated media outlets in this state. Authorizes participating radio stations and television stations and other participating media outlets, following receipt of the alert, to issue the alert at designated intervals to assist in locating the missing adult.

(d) Requires DPS to also send the alert to certain entities.

Sec. 411.468. CONTENT OF ALERT. Requires the alert to include certain information.

Sec. 411.469. TERMINATION OF ALERT. (a) Requires the director to terminate any activation of the alert with respect to a particular missing adult not later than the earlier of the date on which the missing adult is located or the situation is otherwise resolved or the notification period ends, as determined by DPS rule.

(b) Requires a local law enforcement agency that locates a missing adult who is the subject of an alert under this subchapter to notify DPS as soon as possible that the missing adult has been located.

Sec. 411.470. LIMITATION ON PARTICIPATION BY TEXAS DEPARTMENT OF TRANSPORTATION. Provides that, notwithstanding Section 411.465(b), TxDOT is not required to use any existing system of dynamic message signs in a statewide alert system created under this subchapter if TxDOT 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. (a) Requires DPS to conduct a study on the effectiveness of the statewide alert system described by Subchapter Q, Chapter 411, Government Code, as added by this Act. Requires the study to investigate whether the statewide alert system fulfills the purpose for which the alert system was created and whether the alert system should be modified or expanded.

(b) Requires DPS, not later than December 31, 2020, to submit to the governor, lieutenant governor, and speaker of the house of representatives a report containing the results of the study conducted under Subsection (a) of this section, including any recommendations for proposed legislation.

(c) Provides that this section expires December 31, 2021.

SECTION 3. Effective date: September 1, 2019.