

1-1 By: Hernandez, Flynn, Toth H.B. No. 833
1-2 (Senate Sponsor - Menéndez)
1-3 (In the Senate - Received from the House April 8, 2019;
1-4 April 9, 2019, read first time and referred to Committee on Veteran
1-5 Affairs & Border Security; May 10, 2019, reported favorably by the
1-6 following vote: Yeas 6, Nays 0; May 10, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Campbell	X		
1-10	Hall	X		
1-11	Johnson	X		
1-12	Lucio	X		
1-13	Menéndez		X	
1-14	Schwertner	X		
1-15	Seliger	X		

1-16 A BILL TO BE ENTITLED
1-17 AN ACT

1-18 relating to the creation of a statewide alert system for missing
1-19 military members.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Chapter 411, Government Code, is amended by
1-22 adding Subchapter Q to read as follows:

1-23 SUBCHAPTER Q. CAMO ALERT FOR MISSING MILITARY MEMBERS

1-24 Sec. 411.461. DEFINITIONS. In this subchapter:

1-25 (1) "Alert" means the statewide camo alert for missing
1-26 military members that is developed and implemented under this
1-27 subchapter.

1-28 (2) "Law enforcement agency" means a law enforcement
1-29 agency with jurisdiction over the investigation of a missing
1-30 military member.

1-31 (3) "Military member" means a person who is a current
1-32 or former member of the United States armed forces, including the
1-33 National Guard or a reserve or auxiliary unit of any branch of the
1-34 armed forces.

1-35 Sec. 411.462. CAMO ALERT FOR MISSING MILITARY MEMBERS.
1-36 With the cooperation of the Texas Department of Transportation, the
1-37 office of the governor, and other appropriate law enforcement
1-38 agencies in this state, the department shall develop and implement
1-39 a statewide camo alert to be activated on behalf of a missing
1-40 military member who has elected to participate in the alert system
1-41 and who suffers from a mental illness, including post-traumatic
1-42 stress disorder, or a traumatic brain injury.

1-43 Sec. 411.463. ADMINISTRATION. (a) The director is the
1-44 statewide coordinator of the alert.

1-45 (b) The director shall adopt rules and issue directives as
1-46 necessary to ensure proper implementation of the alert. The rules
1-47 and directives must include:

1-48 (1) the procedures to be used by a law enforcement
1-49 agency to verify whether a military member:

1-50 (A) is missing; and

1-51 (B) suffers from a mental illness, including
1-52 post-traumatic stress disorder, or a traumatic brain injury;

1-53 (2) a description of the circumstances under which a
1-54 law enforcement agency is required to report a missing military
1-55 member to the department;

1-56 (3) the procedures to be used by an individual or
1-57 entity to report information about a missing military member to
1-58 designated media outlets in this state;

1-59 (4) guidelines for protecting the privacy of a missing
1-60 military member for whom an alert has been issued; and

1-61 (5) the procedures to be used by a military member to

2-1 opt into the alert system with respect to the member.

2-2 (c) The director shall prescribe forms for use by law
2-3 enforcement agencies in requesting activation of the alert system.

2-4 Sec. 411.464. DEPARTMENT TO RECRUIT PARTICIPANTS. The
2-5 department shall recruit public and commercial television and radio
2-6 broadcasters, private commercial entities, state or local
2-7 governmental entities, the public, and other appropriate persons to
2-8 assist in developing and implementing the alert system.

2-9 Sec. 411.465. STATE AGENCIES. (a) A state agency
2-10 participating in the alert system shall:

2-11 (1) cooperate with the department and assist in
2-12 developing and implementing the alert system; and

2-13 (2) establish a plan for providing relevant
2-14 information to its officers, investigators, or employees, as
2-15 appropriate, once the alert system has been activated.

2-16 (b) In addition to its duties as a state agency under
2-17 Subsection (a), the Texas Department of Transportation shall
2-18 establish a plan for providing relevant information to the public
2-19 through an existing system of dynamic message signs located across
2-20 the state.

2-21 Sec. 411.466. NOTIFICATION TO DEPARTMENT OF MISSING
2-22 MILITARY MEMBER. (a) A law enforcement agency shall notify the
2-23 department if the agency:

2-24 (1) receives a report regarding a missing military
2-25 member who is determined by the agency to be a participant in the
2-26 alert system;

2-27 (2) verifies that at the time the military member is
2-28 reported missing:

2-29 (A) the person reported missing is a military
2-30 member;

2-31 (B) the military member's location is unknown;
2-32 and

2-33 (C) the military member suffers from a mental
2-34 illness, including post-traumatic stress disorder, or a traumatic
2-35 brain injury; and

2-36 (3) determines that the military member's
2-37 disappearance poses a credible threat to the military member's
2-38 health and safety or the health and safety of another.

2-39 (b) A law enforcement agency shall verify the information
2-40 required by Subsection (a)(2) and make the determination required
2-41 by Subsection (a)(3) as soon as practicable after the agency
2-42 receives a report regarding a missing military member.

2-43 (c) In verifying that the military member suffers from a
2-44 mental illness, including post-traumatic stress disorder, or a
2-45 traumatic brain injury as required by Subsection (a)(2)(C), the law
2-46 enforcement agency shall require the family or legal guardian of
2-47 the military member to provide documentation of the illness or
2-48 injury.

2-49 Sec. 411.467. ACTIVATION OF CAMO ALERT. (a) When a law
2-50 enforcement agency notifies the department under Section 411.466,
2-51 the department shall confirm the accuracy of the information and,
2-52 if confirmed, immediately issue an alert under this subchapter in
2-53 accordance with department rules.

2-54 (b) In issuing the alert, the department shall send the
2-55 alert to designated media outlets in this state. Following receipt
2-56 of the alert, participating radio stations and television stations
2-57 and other participating media outlets may issue the alert at
2-58 designated intervals to assist in locating the missing military
2-59 member.

2-60 Sec. 411.468. CONTENT OF CAMO ALERT. The alert must
2-61 include:

2-62 (1) all appropriate information that is provided by
2-63 the law enforcement agency under Section 411.466 and that may lead
2-64 to the safe recovery of the missing military member; and

2-65 (2) a statement instructing any person with
2-66 information related to the missing military member to contact a law
2-67 enforcement agency.

2-68 Sec. 411.469. TERMINATION OF CAMO ALERT. (a) The director
2-69 shall terminate any activation of the alert with respect to a

3-1 particular missing military member not later than the earlier of
3-2 the date on which:

3-3 (1) the missing military member is located or the
3-4 situation is otherwise resolved; or

3-5 (2) the notification period ends, as determined by
3-6 department rule.

3-7 (b) A law enforcement agency that locates a missing military
3-8 member who is the subject of an alert under this subchapter shall
3-9 notify the department as soon as possible that the missing military
3-10 member has been located.

3-11 Sec. 411.470. LIMITATION ON PARTICIPATION BY TEXAS
3-12 DEPARTMENT OF TRANSPORTATION. Notwithstanding Section 411.465(b),
3-13 the Texas Department of Transportation is not required to use any
3-14 existing system of dynamic message signs in a statewide alert
3-15 system created under this subchapter if the department receives
3-16 notice from the United States Department of Transportation Federal
3-17 Highway Administration that the use of the signs would result in the
3-18 loss of federal highway funding or other punitive actions taken
3-19 against this state due to noncompliance with federal laws,
3-20 regulations, or policies.

3-21 Sec. 411.471. EXPIRATION OF SUBCHAPTER. This subchapter
3-22 expires September 1, 2023.

3-23 SECTION 2. This Act takes effect September 1, 2019.

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