

1-1 By: Bonnen of Galveston, et al. H.B. No. 1769  
 1-2 (Senate Sponsor - Taylor)  
 1-3 (In the Senate - Received from the House April 29, 2019;  
 1-4 April 30, 2019, read first time and referred to Committee on  
 1-5 Transportation; May 8, 2019, reported favorably by the following  
 1-6 vote: Yeas 8, Nays 0; May 8, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	
1-17	X			

1-18 A BILL TO BE ENTITLED  
 1-19 AN ACT

1-20 relating to the creation of a statewide alert system for certain  
 1-21 missing adults and to a study of the alert system.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 411, Government Code, is amended by  
 1-24 adding Subchapter Q to read as follows:

1-25 SUBCHAPTER Q. ALERT FOR MISSING ADULTS

1-26 Sec. 411.461. DEFINITIONS. In this subchapter:

1-27 (1) "Adult" means a person who is 18 years of age or  
 1-28 older but younger than 65 years of age.

1-29 (2) "Alert" means the statewide alert for missing  
 1-30 adults that is developed and implemented under this subchapter.

1-31 (3) "Bodily injury" has the meaning assigned by  
 1-32 Section 1.07, Penal Code.

1-33 (4) "Local law enforcement agency" means a local law  
 1-34 enforcement agency with jurisdiction over the investigation of a  
 1-35 missing adult.

1-36 Sec. 411.462. ALERT FOR MISSING ADULTS. With the  
 1-37 cooperation of the Texas Department of Transportation, the office  
 1-38 of the governor, and other appropriate law enforcement agencies in  
 1-39 this state, the department shall develop and implement a system to  
 1-40 allow a statewide alert to be activated on behalf of a missing  
 1-41 adult.

1-42 Sec. 411.463. ADMINISTRATION. (a) The director is the  
 1-43 statewide coordinator of the alert system.

1-44 (b) The director shall adopt rules and issue directives as  
 1-45 necessary to ensure proper implementation of the alert system. The  
 1-46 rules and directives must include:

1-47 (1) the procedures to be used by a local law  
 1-48 enforcement agency to verify whether an adult is missing and  
 1-49 whether circumstances indicate that:

1-50 (A) the missing adult is in imminent danger of  
 1-51 bodily injury or death; or

1-52 (B) the disappearance of the missing adult may  
 1-53 not have been voluntary, including cases of abduction or  
 1-54 kidnapping;

1-55 (2) a description of the circumstances under which a  
 1-56 local law enforcement agency is required to report a missing adult  
 1-57 to the department; and

1-58 (3) the procedures to be used by an individual or  
 1-59 entity to report information about a missing adult to designated  
 1-60 media outlets in this state.

1-61 (c) The director shall prescribe forms for use by local law

2-1 enforcement agencies in requesting activation of the alert system.  
 2-2 Sec. 411.464. DEPARTMENT TO RECRUIT PARTICIPANTS. The  
 2-3 department shall recruit public and commercial television and radio  
 2-4 broadcasters, private commercial entities, state or local  
 2-5 governmental entities, the public, and other appropriate persons to  
 2-6 assist in developing and implementing the alert system.  
 2-7 Sec. 411.465. STATE AGENCIES. (a) A state agency  
 2-8 participating in the alert system shall:  
 2-9 (1) cooperate with the department and assist in  
 2-10 developing and implementing the alert system; and  
 2-11 (2) establish a plan for providing relevant  
 2-12 information to its officers, investigators, or employees, as  
 2-13 appropriate, once the alert system has been activated.  
 2-14 (b) In addition to its duties as a state agency under  
 2-15 Subsection (a), the Texas Department of Transportation shall  
 2-16 establish a plan for providing relevant information to the public  
 2-17 through an existing system of dynamic message signs located across  
 2-18 the state.  
 2-19 Sec. 411.466. NOTIFICATION TO DEPARTMENT OF MISSING ADULT.  
 2-20 (a) A local law enforcement agency shall notify the department if  
 2-21 the agency:  
 2-22 (1) receives a report regarding a missing adult;  
 2-23 (2) verifies that at the time the adult is reported  
 2-24 missing:  
 2-25 (A) the person reported missing is 18 years of  
 2-26 age or older but younger than 65 years of age;  
 2-27 (B) the adult's location is unknown; and  
 2-28 (C) the adult has been missing for less than 72  
 2-29 hours;  
 2-30 (3) confirms that a preliminary investigation has  
 2-31 taken place with respect to the disappearance and that, as a result  
 2-32 of that investigation, the agency believes that the adult is  
 2-33 missing under circumstances described by Section 411.463(b)(1)(A)  
 2-34 or (B); and  
 2-35 (4) believes sufficient information is available to  
 2-36 disseminate to the public that could assist in locating the adult, a  
 2-37 person suspected of abducting or kidnapping the adult, or a vehicle  
 2-38 suspected of being used by the adult or in any abduction or  
 2-39 kidnapping of the adult.  
 2-40 (b) The department may modify the criteria described by  
 2-41 Subsection (a) as necessary for the proper implementation of the  
 2-42 alert system.  
 2-43 Sec. 411.467. ACTIVATION OF ALERT. (a) When a local law  
 2-44 enforcement agency notifies the department under Section 411.466,  
 2-45 the department shall confirm the accuracy of the information and,  
 2-46 if confirmed, immediately issue an alert under this subchapter in  
 2-47 accordance with the department's rules and directives under Section  
 2-48 411.463.  
 2-49 (b) The department may issue the alert on its own  
 2-50 initiative, without receiving the notification described by  
 2-51 Subsection (a), if the issuance conforms to the department's rules  
 2-52 and directives and if the criteria described by Section 411.466(a)  
 2-53 are satisfied.  
 2-54 (c) 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 adult.  
 2-59 (d) The department shall also send the alert to:  
 2-60 (1) any appropriate law enforcement agency;  
 2-61 (2) the Texas Department of Transportation;  
 2-62 (3) the Texas Lottery Commission; and  
 2-63 (4) the Independent Bankers Association of Texas.  
 2-64 Sec. 411.468. CONTENT OF ALERT. The alert must include:  
 2-65 (1) all appropriate information that may lead to the  
 2-66 safe recovery of the missing adult, as determined by the  
 2-67 department; and  
 2-68 (2) a statement instructing any person with  
 2-69 information related to the missing adult to contact a local or state

3-1 law enforcement agency.

3-2 Sec. 411.469. TERMINATION OF ALERT. (a) The director shall  
3-3 terminate any activation of the alert with respect to a particular  
3-4 missing adult not later than the earlier of the date on which:

3-5 (1) the missing adult is located or the situation is  
3-6 otherwise resolved; or

3-7 (2) the notification period ends, as determined by  
3-8 department rule.

3-9 (b) A local law enforcement agency that locates a missing  
3-10 adult who is the subject of an alert under this subchapter shall  
3-11 notify the department as soon as possible that the missing adult has  
3-12 been located.

3-13 Sec. 411.470. LIMITATION ON PARTICIPATION BY TEXAS  
3-14 DEPARTMENT OF TRANSPORTATION. Notwithstanding Section 411.465(b),  
3-15 the Texas Department of Transportation is not required to use any  
3-16 existing system of dynamic message signs in a statewide alert  
3-17 system created under this subchapter if the department receives  
3-18 notice from the United States Department of Transportation Federal  
3-19 Highway Administration that the use of the signs would result in the  
3-20 loss of federal highway funding or other punitive actions taken  
3-21 against this state due to noncompliance with federal laws,  
3-22 regulations, or policies.

3-23 SECTION 2. (a) The Department of Public Safety of the State  
3-24 of Texas shall conduct a study on the effectiveness of the statewide  
3-25 alert system described by Subchapter Q, Chapter 411, Government  
3-26 Code, as added by this Act. The study must investigate whether the  
3-27 statewide alert system fulfills the purpose for which the alert  
3-28 system was created and whether the alert system should be modified  
3-29 or expanded.

3-30 (b) Not later than December 31, 2020, the Department of  
3-31 Public Safety of the State of Texas shall submit to the governor,  
3-32 lieutenant governor, and speaker of the house of representatives a  
3-33 report containing the results of the study conducted under  
3-34 Subsection (a) of this section, including any recommendations for  
3-35 proposed legislation.

3-36 (c) This section expires December 31, 2021.

3-37 SECTION 3. This Act takes effect September 1, 2019.

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