

- SUBJECT:** Creating a statewide AMBER alert system to find abducted children
- COMMITTEE:** Law Enforcement — favorable, without amendment
- VOTE:** 7 ayes — Driver, Garza, Hupp, Burnam, Y. Davis, Hegar, Keel
0 nays
- SENATE VOTE:** On final passage, March 18 — 31-0
- WITNESSES:** No public hearing
- BACKGROUND:** On August 12, 2002, Gov. Perry issued Executive Order RP16, creating a statewide AMBER (America's Missing: Broadcast Emergency Response) alert system to track abducted children and help return them to safety. The network is a cooperative program involving the Governor's Office, the Texas Department of Public Safety (DPS), the Texas Department of Transportation (TxDOT) and the Texas Association of Broadcasters. When a local law enforcement officer activates an AMBER Alert, DPS issues a notice on the Emergency Alert System that is relayed to television and radio stations within a 200-mile radius of the kidnapping. DPS also alerts other law enforcement agencies and notifies TxDOT to flash messages on electronic highway signs warning motorists to watch for the suspect's vehicle. Recently, the Texas Lottery Commission agreed to participate in the system by displaying information about abducted children on electronic lottery terminal signs at businesses that sell lottery tickets.
- DIGEST:** SB 57 would amend Government Code, ch. 411 by adding subch. L to create a statewide AMBER Alert system for abducted children. The bill would designate the DPS director as the AMBER alert system director, who would be required to work with TxDOT, the Governor's Office, and local law enforcement agencies to develop and maintain the system. DPS would be required to adopt rules and issue directives as needed to implement the system.
- DPS would issue an AMBER Alert upon request of a local law enforcement agency if:

- a child 17 years of age or younger had been abducted;
- that child was in immediate danger of serious bodily injury or death;
- an investigation had verified the abduction and eliminated alternative explanations for the child's disappearance; and
- sufficient information was available to help the public locate the child, the suspect, or a vehicle being used in the abduction.

The alert for a specific child would be terminated if the child was recovered, if the abduction case otherwise was resolved, or if the DPS director determined that the alert system no longer was an effective tool for locating and recovering the child.

The DPS director would be required to recruit public and commercial television and radio broadcasters, private commercial entities, state and local governmental entities, the public, and other appropriate persons to assist in developing and implementing the system. TxDOT and other participating state agencies would be required to establish plans to cooperate with DPS and provide information to the public.

The bill would require the DPS director to adopt rules and issue directives by November 1, 2003. It would take immediate effect if finally passed by a two-thirds record vote of the membership of each house; otherwise, it would take effect September 1, 2003.

**SUPPORTERS
SAY:**

SB 57 would grant statutory authorization for the AMBER alert now authorized only by executive order. While the current program could be ended if the executive order were revoked by the governor, this bill would require legislative action to modify or do away with the system.

Texas should have a statewide AMBER Alert system because the first AMBER plan was established in Dallas when nine-year-old Amber Hagerman was found murdered after she had been kidnapped near her Arlington home. A neighbor was able to provide some details about the car believed to be involved in the abduction, but there was no system in place to get the information quickly to the public. SB 57 would ensure statewide coordination of existing efforts among broadcasters and law enforcement agencies.

The U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention has determined that children face the greatest danger in the first few hours following an abduction. Among the children who die at the hands of their kidnappers, 74 percent are killed within the first three hours of the abduction and 99 percent within 24 hours.

Nationally, AMBER plans in 42 states have been credited with saving about 70 children since 1996. Last summer, an AMBER alert helped California law enforcement officers rescue two teenagers before they disappeared into the desert with their kidnapper. The suspect, who was wanted on other rape charges, was shot and killed by police. Elizabeth Smart, whose abduction from her Utah home drew national attention, was located in March after a member of the public notified authorities. Her father strongly supports a national AMBER alert network, which this bill would extend to Texas.

SB 57 would establish strict criteria for activating the system and would require DPS to develop additional guidelines for the alerts, including responses to requests from out-of-state agencies. State and local law enforcement agencies have had sufficient time to master the learning curve on when to issue alerts, and the public can rely on AMBER alert officials to use their discretion wisely. Texas law enforcement agencies have learned from false alerts in the past, including one last summer involving a non-custodial biological mother from Nevada who was stopped near Pleasanton with her boyfriend and her 14-year-old daughter following an alert from Nevada. This bill would ensure that alerts were issued only when a child was in danger.

**OPPONENTS
SAY:**

Overuse of AMBER alerts could reduce their effectiveness. Much like the boy in the fable who cried wolf, activating alerts in non-emergencies, such as in the Pleasanton case, could make the public less responsive in more serious child abduction cases. After too many false alerts, even an vital program like the AMBER alert could lose credibility.

**OTHER
OPPONENTS
SAY:**

The requirement that an AMBER Alert be issued only for those 17 years of age and younger is arbitrary. Alerts should be issued in cases such as the disappearance of Rachel Cooke, a 20-year-old Georgetown resident last seen jogging near her home on January 10, 2002.