

BILL ANALYSIS

Senate Research Center

H.B. 1075
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Transportation & Homeland Security
5/2/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 78th Legislature enacted S.B. 57, which created a statewide AMBER (America's Missing: Broadcast Emergency Response) alert system to track abducted children and return them to safety. The 80th Legislature enacted S.B. 1315, which created a statewide Silver Alert system for missing senior citizens. H.B. 1075 amends the existing AMBER alert system to include a public alert mechanism for an adult with a diagnosed intellectual developmental disability who goes missing.

H.B. 1075 amends current law relating to an alert for a missing person with an intellectual disability.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the public safety director in SECTION 7 (Section 411.359, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Subchapter L, Chapter 411, Government Code, to read as follows:

SUBCHAPTER L. STATEWIDE AMERICA'S MISSING: BROADCAST EMERGENCY
RESPONSE (AMBER) ALERT SYSTEM FOR ABDUCTED CHILDREN AND MISSING
PERSONS WITH INTELLECTUAL DISABILITIES

SECTION 2. Amends Section 411.351, Government Code, by amending Subdivisions (2) and (3) and adding Subdivisions (2-a) and (3-a), to define "intellectual disability" and "pervasive development disorder" and to redefine "alert system" and "local law enforcement agency."

SECTION 3. Amends Section 411.352, Government Code, as follows:

Sec. 411.352. New heading: STATEWIDE AMERICA'S MISSING: BROADCAST EMERGENCY RESPONSE (AMBER) ALERT SYSTEM FOR ABDUCTED CHILDREN AND MISSING PERSONS WITH INTELLECTUAL DISABILITIES. Requires the Department of Public Safety of the State of Texas (DPS), with the cooperation of the Texas Department of Transportation, the office of the governor, and other appropriate law enforcement agencies in this state, to develop and implement a statewide alert system to be activated on behalf of an abducted child or a missing person with an intellectual disability.

SECTION 4. Amends Section 411.355, Government Code, as follows:

Sec. 411.355. ACTIVATION. (a) Requires DPS, on the request of a local law enforcement agency regarding an abducted child, to activate the alert system and notify appropriate participants in the alert system, as established by rule, if certain conditions exist.

(b) Requires DPS, on the request of a local law enforcement agency regarding a missing person with an intellectual disability, to activate the alert system and notify appropriate participants in the alert system, as established by rule, if:

(1) the local law enforcement agency receives notice of a missing person with an intellectual disability;

(2) the local law enforcement agency verifies that at the time the person is reported missing:

(A) the person has an intellectual disability, as determined according to the procedure provided by Section 593.005 (Determination of Mental Retardation), Health and Safety Code; and

(B) the person's location is unknown;

(3) the local law enforcement agency determines that the person's disappearance poses a credible threat to the person's health and safety; and

(4) sufficient information is available to disseminate to the public that could assist in locating the person.

(c) Creates this subsection from existing text. Authorizes DPS to modify the criteria described by Subsection (a) or (b) as necessary for the proper implementation of the alert system.

SECTION 5. Amends Section 411.356, Government Code, as follows:

Sec. 411.356. LOCAL LAW ENFORCEMENT AGENCIES. Requires a local law enforcement agency, before requesting activation of the alert system, to verify that the criteria described by Section 411.355(a) or (b), as applicable, have been satisfied. Requires the local law enforcement agency, on verification of the applicable criteria, to immediately contact DPS to request activation and to supply the necessary information on the forms prescribed by the public safety director (director).

SECTION 6. Amends Section 411.358, Government Code, as follows:

Sec. 411.358. TERMINATION. Requires the director to terminate any activation of the alert system with respect to a particular abducted child or a particular missing person with an intellectual disability if:

(1) the abducted child or missing person is recovered or the situation, rather than the abduction, is otherwise resolved; or

(2) the director determines that the alert system is no longer an effective tool for locating and recovering the abducted child or missing person.

SECTION 7. Amends Subchapter L, Chapter 411, Government Code, by adding Section 411.359, as follows:

Sec. 411.359. SYSTEM NAME. Authorizes the director by rule to assign a name other than America's Missing: Broadcast Emergency Response (AMBER) to the alert system when the system is activated regarding a missing person with an intellectual disability.

SECTION 8. Requires the director to adopt rules and issue directives necessary to implement Subchapter L, Chapter 411, Government Code, as amended by this Act, not later than December 1, 2011.

SECTION 9. Effective date: September 1, 2011.