

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1138
By: Whitmire et al.
Criminal Justice
3/6/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1138 moves the authority for the Texas Department of Public Safety to operate and participate in the National Blue Alert system for suspects, not in custody, who are alleged to have caused a law enforcement officer's serious injury or death, from that of Executive Order RP 68 issued by former Governor Rick Perry to Chapter 411, Government Code. It adds a new Subchapter P, titled Blue Alert System, which maintains the current practices, policies, participants, and regulations that are currently utilized in the current system.

The purpose of altering the current system is to provide long term assurance to our law enforcement community that the State of Texas is committed to its participation and utilization of the National Blue Alert system to as soon as possible obtain the arrest of a suspect, who is not in custody, and to warn those law enforcement who are pursuing the apprehension of the total extent of the dangers involved in that pursuit. Since the system provides this notice and information to media sources and the public it also often facilitates tips and leads from the public in support of this apprehension. The public notice also enhances public safety as well as the investigative process.

The bill is co-authored by all members of the senate and supported by law enforcement and various public organizations and at this time there is no known opposition. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1138 amends current law relating to the creation of the blue alert system to aid in the apprehension of an individual suspected of killing or causing serious bodily injury to a law enforcement officer.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the public safety director in SECTION 1 (Section 411.443, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

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

SUBCHAPTER P. BLUE ALERT SYSTEM

Sec. 411.441. DEFINITIONS. Defines "alert system," "law enforcement agency," "law enforcement officer," and "serious bodily injury."

Sec. 411.442. BLUE ALERT SYSTEM. Requires the Texas Department of Public Safety (DPS), with the cooperation of the Texas Department of Transportation (TxDOT), the office of the governor (governor's office), and other appropriate law enforcement agencies in this state, to develop and implement a statewide blue alert system (alert system) to be activated to aid in the apprehension of an individual suspected of killing or causing serious bodily injury to a law enforcement officer.

Sec. 411.443. 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 certain information and procedures.

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

Sec. 411.444. 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. 411.445. 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. 411.446. NOTIFICATION TO DEPARTMENT. (a) Requires a law enforcement agency that receives notice of an individual who is suspected of killing or causing serious bodily injury to a law enforcement officer and who has not yet been apprehended to confirm the accuracy of the information and, if the agency believes the missing suspect poses a threat to other law enforcement officers and the public, provide notice to DPS.

(b) Requires a law enforcement agency providing notice to DPS to include with that notice a detailed description of the missing suspect and, if applicable, any available portion of the license plate number of a motor vehicle being used by the suspect.

Sec. 411.447. ACTIVATION OF BLUE ALERT SYSTEM. (a) Requires DPS, when a law enforcement agency notifies DPS under Section 411.446, to confirm the accuracy of the information and, if confirmed, immediately issue an alert through the alert system in accordance with DPS rules.

(b) Requires DPS, in issuing the alert, to send the alert to designated Texas media outlets. Authorizes certain participating media outlets, following receipt of the alert, to issue the alert at designated intervals to assist in locating the missing suspect.

(c) Requires DPS to also send the alert to any appropriate law enforcement agency, TxDOT, and a state agency described by Section 411.445.

Sec. 411.448. CONTENT OF ALERT. Requires the alert to include all appropriate information that is provided by the law enforcement agency under Section 411.446 and that may lead to the apprehension of the missing suspect, and a statement instructing any person with information related to the missing suspect to contact a law enforcement agency.

Sec. 411.449. TERMINATION OF ALERT SYSTEM. (a) Requires the director to terminate any activation of the alert system with respect to a particular missing suspect not later than the earlier of the date on which the missing suspect is apprehended, DPS receives evidence that the missing suspect has left this state, or DPS determines that the alert system will no longer aid in the missing suspect's apprehension.

(b) Requires a law enforcement agency that apprehends a missing suspect who is the subject of an alert to notify DPS as soon as possible that the missing suspect has been apprehended.

SECTION 2. Effective date: September 1, 2017.