

## **BILL ANALYSIS**

Senate Research Center

H.B. 833  
By: Hernandez et al. (Menéndez)  
Veteran Affairs & Border Security  
5/6/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Nearly 1 in 4 active duty members showed signs of a mental health condition, according to a 2014 study in JAMA Psychiatry, published by the American Medical Association. The conditions may include post-traumatic stress disorder (PTSD), depression, and numerous other diagnoses. Symptoms of severe PTSD are associated with disappearance and suicide.

Over the last few years, a number of military personnel struggling with mental illnesses have disappeared in the United States. In such cases, the missing individuals are often in need of immediate medical care or mental health services. Military personnel in these episodes may be a danger to themselves. Unfortunately, families have found themselves leading the search for their loved ones without immediate help from local and state law enforcement officials.

H.B. 833 would create a camo alert system for locating missing members of the military with a mental illness that military members may choose to opt into as an optional service. The statewide alert system would inform law enforcement if there is a military member in crisis, similar to existing Amber and Silver Alerts. The alert would only be sent if the individual's disappearance is a threat to his or her own health and safety or that of others.

A camo alert system would provide an additional tool to law enforcement to assist our heroes and their families during a very difficult and sometimes life-threatening situation.

H.B. 833 amends current law relating to the creation of a statewide alert system for missing military members.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the public safety director in SECTION 1 (Section 411.463, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

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

#### **SUBCHAPTER Q. CAMO ALERT FOR MISSING MILITARY MEMBERS**

Sec. 411.461. DEFINITIONS. Defines "alert," "law enforcement agency," and "military member" for purposes of this subchapter.

Sec. 411.462. CAMO ALERT FOR MISSING MILITARY MEMBERS. Requires the Department of Public Safety of the State of Texas (DPS), with the cooperation of the Texas Department of Transportation (TxDOT), the office of the governor, and other appropriate law enforcement agencies in this state, to develop and implement a statewide camo alert to be activated on behalf of a missing military member who has elected to participate in the alert system and who suffers from a mental illness, including post-traumatic stress disorder, or a traumatic brain injury.

Sec. 411.463. ADMINISTRATION. (a) Provides that the public safety director (director) is the statewide coordinator of the alert.

(b) Requires the director to adopt rules and issue directives as necessary to ensure proper implementation of the alert. Requires the rules and directives to include:

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

(A) is missing; and

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

(2) a description of the circumstances under which a law enforcement agency is required to report a missing military member to DPS;

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

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

(5) the procedures to be used by a military member to opt into the alert system with respect to the member.

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

Sec. 411.464. 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. 411.465. STATE AGENCIES. (a) Requires a state agency participating in the alert system to:

(1) cooperate with DPS and assist in developing and implementing the alert system; and

(2) 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. 411.466. NOTIFICATION TO DEPARTMENT OF MISSING MILITARY MEMBER. (a) Requires a law enforcement agency to notify DPS if the agency:

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

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

(A) the person reported missing is a military member;

(B) the military member's location is unknown; and

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

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

(b) Requires a law enforcement agency to verify the information required by Subsection (a)(2) and make the determination required by Subsection (a)(3) as soon as practicable after the agency receives a report regarding a missing military member.

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

Sec. 411.467. ACTIVATION OF CAMO ALERT. (a) Requires DPS, when a law enforcement agency notifies DPS under Section 411.466, to confirm the accuracy of the information and, if confirmed, immediately issue an alert under this subchapter in accordance with DPS rules.

(b) Requires DPS, in issuing the alert, to send the alert to designated media outlets in this state. Authorizes participating radio stations and television stations and other participating media outlets, following receipt of the alert, to issue the alert at designated intervals to assist in locating the missing military member.

Sec. 411.468. CONTENT OF CAMO ALERT. Requires the alert to include:

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

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

Sec. 411.469. TERMINATION OF CAMO ALERT. (a) Requires the director to terminate any activation of the alert with respect to a particular missing military member not later than the earlier of the date on which:

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

(2) the notification period ends, as determined by DPS rule.

(b) Requires a law enforcement agency that locates a missing military member who is the subject of an alert under this subchapter to notify DPS as soon as possible that the missing military member has been located.

Sec. 411.470. LIMITATION ON PARTICIPATION BY TEXAS DEPARTMENT OF TRANSPORTATION. Provides that, notwithstanding Section 411.465(b), TxDOT is not required to use any existing system of dynamic message signs in a statewide alert system created under this subchapter if DPS receives notice from the United States Department of Transportation Federal Highway Administration that the use of the signs would result in the loss of federal highway funding or other punitive actions taken against this state due to noncompliance with federal laws, regulations, or policies.

Sec. 411.471. EXPIRATION OF SUBCHAPTER. Provides that this subchapter expires September 1, 2023.

SECTION 2. Effective date: September 1, 2019.