

## **BILL ANALYSIS**

Senate Research Center  
88R13526 MEW-D

H.B. 3556  
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Criminal Justice  
5/17/2023  
Engrossed

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

In late-November 2022, a seven-year-old girl from Wise County named Athena Strand was struck outside her home by a vehicle driven by a contracted delivery driver. According to law enforcement, the driver kidnapped and murdered young Athena to avoid getting in trouble or being reported by Athena's parents.

In the hours following Athena's kidnapping, her parents tried to get an Amber Alert issued but were unable to do so under current statute.

In 1996, the Amber Alert system was created in Texas to help provide a notification system for when a child goes missing or has been abducted. Since then, the Amber Alert system has been adopted by other states. In April 2013, the West Virginia legislature passed "Skylar's Law," which created a framework for law enforcement to "report a suspected abduction or missing child to the Amber Alert authorities in the initial stages of investigation to facilitate their safe return."

H.B. 3556 seeks to create a provision similar to Skylar's Law in West Virginia that creates a framework for local law enforcement to request a regional alert through the Amber Alert system based on specific criteria.

Under the bill, a request for an alert may be made by a local law enforcement agency that knows a child is missing but has not verified the criteria described by Section 411.355(a) of the Government Code, and if the chief law enforcement officer of the local law enforcement agency believes that activation of the alert system is warranted.

An approved alert would be activated in the following areas:

- within a 100-mile radius of the location from which the child is believed to have gone missing or the location in which the child was last seen; and
- in all counties adjacent to the county from which the child is believed to have gone missing, or the county in which the child was last seen.

H.B. 3556 amends current law relating to a local area activation of the alert system for certain missing children.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter L, Chapter 411, Government Code, by adding Section 411.3555, as follows:

Sec. 411.3555. LOCAL AREA ACTIVATION FOR CERTAIN MISSING CHILDREN. Requires the Department of Public Safety of the State of Texas (DPS), on the request of a local law enforcement agency that knows a child is missing but has not verified the criteria described by Section 411.355(a) (relating to requiring DPS to activate the alert

system and notify appropriate participants in the alert system in certain circumstances), and if the chief law enforcement officer of the local law enforcement agency believes that activation of the alert system is warranted, to:

(1) activate the alert system only in the following areas:

(A) within a 100-mile radius of the location from which the child is believed to have gone missing or the location in which the child was last seen, as applicable; and

(B) in all counties adjacent to the county from which the child is believed to have gone missing or the county in which the child was last seen, as applicable; and

(2) notify appropriate participants in the alert system, as established by rule.

SECTION 2. 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) (relating to requiring DPS to activate the alert system and notify appropriate participants in the alert system in certain circumstances) or 411.3555, 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 of DPS.

SECTION 3. Effective date: upon passage or September 1, 2023.