

By: Rose

H.B. No. 4031

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a statewide alert system for missing adults and to a study of the alert system.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter P to read as follows:

SUBCHAPTER P. KELLEY ALERT FOR MISSING ADULTS

Sec. 411.441. DEFINITIONS. In this subchapter:

(1) "Adult" means a person who is 18 years of age or older but younger than 65 years of age.

(2) "Alert" means the statewide Kelley alert for missing adults that is developed and implemented under this subchapter.

(3) "Local law enforcement agency" means a local law enforcement agency with jurisdiction over the investigation of a missing adult.

(4) "Serious bodily injury" has the meaning assigned by Section 1.07, Penal Code.

Sec. 411.442. KELLEY ALERT FOR MISSING ADULTS. With the cooperation of the Texas Department of Transportation, the office of the governor, and other appropriate law enforcement agencies in this state, the department shall develop and implement a statewide Kelley alert to be activated on behalf of a missing adult.

Sec. 411.443. ADMINISTRATION. (a) The director is the

1 statewide coordinator of the alert.

2 (b) The director shall adopt rules and issue directives as  
3 necessary to ensure proper implementation of the alert. The rules  
4 and directives must include:

5 (1) the procedures to be used by a local law  
6 enforcement agency to verify whether an adult is:

7 (A) missing; and

8 (B) in imminent danger of serious bodily injury  
9 or death;

10 (2) a description of the circumstances under which a  
11 local law enforcement agency is required to report a missing adult  
12 to the department; and

13 (3) the procedures to be used by an individual or  
14 entity to report information about a missing adult to designated  
15 media outlets in Texas.

16 (c) The director shall prescribe forms for use by local law  
17 enforcement agencies in requesting activation of the alert system.

18 Sec. 411.444. DEPARTMENT TO RECRUIT PARTICIPANTS. The  
19 department shall recruit public and commercial television and radio  
20 broadcasters, private commercial entities, state or local  
21 governmental entities, the public, and other appropriate persons to  
22 assist in developing and implementing the alert system.

23 Sec. 411.445. STATE AGENCIES. (a) A state agency  
24 participating in the alert system shall:

25 (1) cooperate with the department and assist in  
26 developing and implementing the alert system; and

27 (2) establish a plan for providing relevant

information to its officers, investigators, or employees, as appropriate, once the alert system has been activated.

(b) In addition to its duties as a state agency under Subsection (a), the Texas Department of Transportation shall 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 OF MISSING ADULT.

(a) A local law enforcement agency shall notify the department if the agency:

(1) receives notice of a missing adult;

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

(A) the person reported missing is 18 years of age or older but younger than 65 years of age;

(B) the adult's location is unknown; and

(C) the adult has been missing for less than 72 hours;

(3) confirms that a preliminary investigation has taken place with respect to the disappearance and that, as a result of that investigation, the agency believes that the missing adult is in imminent danger of serious bodily injury or death; and

(4) believes sufficient information is available to disseminate to the public that could assist in locating the adult, a person suspected of abducting the adult, or a vehicle suspected of being used by the adult or in any abduction of the adult.

(b) The department may modify the criteria described by

1 Subsection (a) as necessary for the proper implementation of the  
2 alert system.

3 Sec. 411.447. ACTIVATION OF KELLEY ALERT. (a) When a local  
4 law enforcement agency notifies the department under Section  
5 411.446, the department shall confirm the accuracy of the  
6 information and, if confirmed, immediately issue an alert under  
7 this subchapter in accordance with department rules.

8 (b) In issuing the alert, the department shall send the  
9 alert to designated media outlets in Texas. Following receipt of  
10 the alert, participating radio stations, television stations, and  
11 other media outlets may issue the alert at designated intervals to  
12 assist in locating the missing adult.

13 (c) The department shall also send the alert to:

- 14 (1) any appropriate local law enforcement agency;  
15 (2) the Texas Department of Transportation;  
16 (3) the Texas Lottery Commission; and  
17 (4) the Independent Bankers Association of Texas.

18 Sec. 411.448. CONTENT OF KELLEY ALERT. The alert must  
19 include:

20 (1) all appropriate information that is provided by  
21 the local law enforcement agency under Section 411.446 and that may  
22 lead to the safe recovery of the missing adult; and

23 (2) a statement instructing any person with  
24 information related to the missing adult to contact a local law  
25 enforcement agency.

26 Sec. 411.449. TERMINATION OF KELLEY ALERT. (a) The  
27 director shall terminate any activation of the alert with respect

1 to a particular missing adult not later than the earlier of the date  
2 on which:

3 (1) the missing adult is located or the situation is  
4 otherwise resolved; or

5 (2) the notification period ends, as determined by  
6 department rule.

7 (b) A local law enforcement agency that locates a missing  
8 adult who is the subject of an alert under this subchapter shall  
9 notify the department as soon as possible that the missing adult has  
10 been located.

11 SECTION 2. (a) The Department of Public Safety shall  
12 conduct a study on the effectiveness of the statewide alert system  
13 described by Subchapter P, Chapter 411, Government Code, as added  
14 by this Act. The study must investigate whether the statewide alert  
15 system fulfills the purpose for which the alert system was created  
16 and whether the alert system should be modified or expanded.

17 (b) Not later than December 31, 2016, the Department of  
18 Public Safety shall submit to the governor, lieutenant governor,  
19 and speaker of the house of representatives a report containing the  
20 results of the study conducted under Subsection (a) of this  
21 section, including any recommendations for proposed legislation.

22 (c) This section expires December 31, 2017.

23 SECTION 3. This Act takes effect September 1, 2015.