

AN ACT

relating to the creation of a statewide alert system for abducted children.

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

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

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

Sec. 411.351. DEFINITIONS. In this subchapter:

(1) "Abducted child" means a child 17 years of age or younger whose whereabouts are unknown and whose disappearance poses a credible threat to the safety and health of the child, as determined by a local law enforcement agency.

(2) "Alert system" means the statewide America's Missing: Broadcast Emergency Response (AMBER) alert system for abducted children.

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

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

Sec. 411.352. STATEWIDE AMERICA'S MISSING: BROADCAST EMERGENCY RESPONSE (AMBER) ALERT SYSTEM FOR ABDUCTED CHILDREN. With the cooperation of the Texas Department of Transportation, the

1 office of the governor, and other appropriate law enforcement
2 agencies in this state, the department shall develop and implement
3 a statewide alert system to be activated on behalf of an abducted
4 child.

5 Sec. 411.353. ADMINISTRATION. (a) The director is the
6 statewide coordinator of the alert system.

7 (b) The director shall adopt rules and issue directives as
8 necessary to ensure proper implementation of the alert system. The
9 rules and directives must include instructions on the procedures
10 for activating and deactivating the alert system.

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

13 Sec. 411.354. DEPARTMENT TO RECRUIT PARTICIPANTS. (a) The
14 department shall recruit public and commercial television and radio
15 broadcasters, private commercial entities, state or local
16 governmental entities, the public, and other appropriate persons to
17 assist in developing and implementing the alert system.

18 (b) The department may enter into agreements with
19 participants in the alert system to provide necessary support for
20 the alert system.

21 Sec. 411.355. ACTIVATION. (a) On the request of a local
22 law enforcement agency, the department shall activate the alert
23 system and notify appropriate participants in the alert system, as
24 established by rule, if:

25 (1) the local law enforcement agency believes that a
26 child has been abducted;

27 (2) the local law enforcement agency believes that the

1 abducted child is in immediate danger of serious bodily injury or
2 death;

3 (3) the local law enforcement agency confirms that an
4 investigation has taken place that verifies the abduction and
5 eliminates alternative explanations for the child's disappearance;
6 and

7 (4) sufficient information is available to
8 disseminate to the public that could assist in locating the child, a
9 person suspected of abducting the child, or a vehicle suspected of
10 being used in the abduction.

11 (b) The department may modify the criteria described by
12 Subsection (a) as necessary for the proper implementation of the
13 alert system.

14 Sec. 411.356. LOCAL LAW ENFORCEMENT AGENCIES. Before
15 requesting activation of the alert system, a local law enforcement
16 agency must verify that the criteria described by Section
17 411.355(a) have been satisfied. On verification of the criteria,
18 the local law enforcement agency shall immediately contact the
19 department to request activation and shall supply the necessary
20 information on the forms prescribed by the director.

21 Sec. 411.357. STATE AGENCIES. (a) A state agency
22 participating in the alert system shall:

23 (1) cooperate with the department and assist in
24 developing and implementing the alert system; and

25 (2) establish a plan for providing relevant
26 information to its officers, investigators, or employees, as
27 appropriate, once the alert system has been activated.

1 (b) In addition to its duties as a state agency under
2 Subsection (a), the Texas Department of Transportation shall
3 establish a plan for providing relevant information to the public
4 through an existing system of dynamic message signs located across
5 the state.

6 Sec. 411.358. TERMINATION. The director shall terminate
7 any activation of the alert system with respect to a particular
8 abducted child if:

9 (1) the child is recovered or the abduction is
10 otherwise resolved; or

11 (2) the director determines that the alert system is
12 no longer an effective tool for locating and recovering the child.

13 SECTION 2. The public safety director of the Department of
14 Public Safety of the State of Texas shall adopt the rules and issue
15 the directives required by Subchapter L, Chapter 411, Government
16 Code, as added by this Act, not later than November 1, 2003.

17 SECTION 3. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2003.

David Newburn

President of the Senate

Jim Cradick

Speaker of the House

I hereby certify that S.B. No. 57 passed the Senate on March 18, 2003, by the following vote: Yeas 31, Nays 0.

Patsy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 57 passed the House on May 20, 2003, by the following vote: Yeas 139, Nays 0, two present not voting.

Robert Haney
Chief Clerk of the House

Approved:

20 JUN '03

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:30 AM O'CLOCK

Kevin Shea
Secretary of State