

By: Whitmire, et al.

S.B. No. 1138

A BILL TO BE ENTITLED

AN ACT

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.

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. BLUE ALERT SYSTEM

Sec. 411.441. DEFINITIONS. In this subchapter:

(1) "Alert system" means the statewide blue alert system that is developed and implemented under this subchapter.

(2) "Law enforcement agency" means a law enforcement agency with jurisdiction over the investigation of an alleged offense that resulted in the death or serious bodily injury of a law enforcement officer.

(3) "Law enforcement officer" means a person who is a peace officer under Article 2.12, Code of Criminal Procedure, or a person who is a federal law enforcement officer, as defined by 5 U.S.C. Section 8331(20).

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

Sec. 411.442. BLUE ALERT SYSTEM. With the cooperation of the Texas Department of Transportation, the office of the governor, and other appropriate law enforcement agencies in this state, the

1 department shall develop and implement a statewide blue alert
2 system to be activated to aid in the apprehension of an individual
3 suspected of killing or causing serious bodily injury to a law
4 enforcement officer.

5 Sec. 411.443. 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:

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

12 (A) an individual is suspected of killing or
13 causing serious bodily injury to a law enforcement officer and is
14 not yet apprehended; and

15 (B) the activation of the alert system would aid
16 in the apprehension of that individual;

17 (2) a description of the circumstances under which a
18 law enforcement agency is required to report a missing suspect to
19 the department; and

20 (3) the procedures to be used by an individual or
21 entity to report information about a missing suspect to designated
22 media outlets in Texas.

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

25 Sec. 411.444. DEPARTMENT TO RECRUIT PARTICIPANTS. The
26 department shall recruit public and commercial television and radio
27 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) A state agency participating in the alert system shall:

(1) cooperate with the department 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) 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. (a) 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 shall:

(1) confirm the accuracy of the information; and

(2) if the agency believes the missing suspect poses a threat to other law enforcement officers and to the public, provide notice to the department.

(b) A law enforcement agency providing notice to the department under Subsection (a) shall 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.

1 Sec. 411.447. ACTIVATION OF BLUE ALERT SYSTEM. (a) When a
2 law enforcement agency notifies the department under Section
3 411.446, the department shall confirm the accuracy of the
4 information and, if confirmed, immediately issue an alert through
5 the alert system in accordance with department rules.

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

11 (c) The department shall also send the alert to:
12 (1) any appropriate law enforcement agency;
13 (2) the Texas Department of Transportation;
14 (3) the division of emergency management of the office
15 of the governor; and
16 (4) a state agency described by Section 411.445.

17 Sec. 411.448. CONTENT OF ALERT. The alert must include:
18 (1) all appropriate information that is provided by
19 the law enforcement agency under Section 411.446 and that may lead
20 to the apprehension of the missing suspect; and
21 (2) a statement instructing any person with
22 information related to the missing suspect to contact a law
23 enforcement agency.

24 Sec. 411.449. TERMINATION OF ALERT SYSTEM. (a) The
25 director shall terminate any activation of the alert system with
26 respect to a particular missing suspect not later than the earlier
27 of the date on which:

1 (1) the missing suspect is apprehended;

2 (2) the department receives evidence that the missing
3 suspect has left this state; or

4 (3) the department determines that the alert system
5 will no longer aid in the apprehension of the missing suspect.

6 (b) A law enforcement agency that apprehends a missing
7 suspect who is the subject of an alert under this subchapter shall
8 notify the department as soon as possible that the missing suspect
9 has been apprehended.

10 SECTION 2. This Act takes effect September 1, 2017.