

BILL ANALYSIS

C.S.H.B. 833
By: Hernandez
Defense & Veterans' Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the perceived lack of an immediate and structured response from law enforcement when military personnel who have PTSD and depression have disappeared. In such cases, the missing individuals may be in need of urgent medical care and may be a danger to themselves. C.S.H.B. 833 seeks to remedy this situation by creating a camo alert system, similar to existing amber and silver alerts, for locating such missing members of the military.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the public safety director of the Department of Public Safety in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 833 amends the Government Code to require the Department of Public Safety (DPS), with the cooperation of the Texas Department of Transportation (TxDOT), the office of the governor, and other appropriate law enforcement agencies in Texas, to develop and implement a statewide camo alert to be activated on behalf of a current or former member of the U.S. armed forces, including the National Guard or a reserve or auxiliary unit of any branch of the armed forces, who is missing and who suffers from a mental illness, including post-traumatic stress disorder, or a traumatic brain injury. The bill designates the public safety director of DPS as the statewide coordinator of the alert, requires the director to adopt rules and issue directives as necessary to ensure proper implementation of the alert, and requires the rules and directives to include the following:

- the procedures to be used by a law enforcement agency to verify whether a military member is missing and suffers from a mental illness, including post-traumatic stress disorder, or a traumatic brain injury;
- a description of the circumstances under which a law enforcement agency is required to report a missing military member to DPS;
- the procedures to be used by an individual or entity to report information about a missing military member to designated media outlets in Texas;
- guidelines for protecting the privacy of a missing military member for whom an alert has been issued; and
- the procedures to be used by a military member to opt out of any activation of the alert system with respect to the member.

C.S.H.B. 833 requires the director to prescribe forms for use by law enforcement agencies in requesting activation of the alert system.

C.S.H.B. 833 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. The bill requires a state agency participating in the alert system to cooperate with DPS and assist in developing and implementing the alert system and to establish a plan for providing relevant information to its officers, investigators, or employees, as appropriate, once the alert system has been activated. The bill requires TxDOT, in addition to these duties as a participating state agency, to establish a plan for providing relevant information to the public through an existing system of dynamic message signs located across Texas.

C.S.H.B. 833 requires a law enforcement agency to notify DPS if the law enforcement agency:

- receives a report regarding a missing military member;
- verifies that, at the time the military member is reported missing, the person so reported is a military member whose location is unknown and who suffers from a mental illness, including post-traumatic stress disorder, or a traumatic brain injury; and
- determines that the military member's disappearance poses a credible threat to the member's or another person's health and safety.

C.S.H.B. 833 requires the law enforcement agency to verify the required information and make the required determination as soon as practicable after receiving the report and, in verifying the military member's mental illness or traumatic brain injury, to require the member's family or legal guardian to provide documentation of that condition. The bill requires DPS, when a law enforcement agency notifies DPS of such a missing military member, to confirm the accuracy of the information and, if confirmed, immediately issue a camo alert in accordance with DPS rules.

C.S.H.B. 833 provides for the content of the alert and requires DPS, in issuing the alert, to send the alert to designated media outlets in Texas. The bill authorizes participating media outlets, following receipt of the alert, to issue the alert at designated intervals to assist in locating the military member.

C.S.H.B. 833 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 the missing military member is located or the situation is otherwise resolved or the date on which the notification period ends, as determined by DPS rule. The bill requires a law enforcement agency that locates a military member who is the subject of a camo alert to notify DPS of that fact as soon as possible.

C.S.H.B. 833 establishes that TxDOT is not required to use any existing system of dynamic message signs in the alert system if TxDOT receives notice from the U.S. 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 the state due to noncompliance with federal laws, regulations, or policies. The bill's provisions expire September 1, 2023.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 833 may differ from the original in minor or nonsubstantive ways, the following

summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a provision requiring a law enforcement agency to verify that, at the time a military member is reported missing, the military member's domicile is in Texas.

The substitute includes a provision establishing that TxDOT is not required to use any existing system of dynamic message signs in the alert system if TxDOT receives notice from the U.S. 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 the state due to noncompliance with federal laws, regulations, or policies.