

## **BILL ANALYSIS**

C.S.H.B. 157  
By: Pickett  
Law Enforcement  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Amber Alert Program originated in Texas in 1996 after 9-year-old Amber Hagerman was abducted and murdered. In 2003, President Bush signed the national Amber Alert Program into law. The law requires law enforcement to alert the media following a confirmed child abduction.

Elderly individuals with dementia related diseases, such as Alzheimer's or other mentally debilitating diseases may wander away from their residences, sometimes with tragic results.

C.S.H.B. 157 would create a Silver Alert advisory to broadcast notice of a missing senior citizen.

### **RULEMAKING AUTHORITY**

It is the opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 157 amends Government Code Chapter 411 by adding Subchapter M which defines "alert," "local law enforcement agency," and "senior citizen" and which creates a Silver Alert for missing senior citizens developed and implemented by the Texas Department of Public Safety with the cooperation of the Texas Department of Transportation, the office of the governor, and other appropriate law enforcement agencies in Texas to broadcast notice of endangered missing persons. The Silver Alert is required to include all appropriate information provided by the local law enforcement agency that may lead to the safe recovery of the missing senior citizen and a statement instructing any person with information related to the missing senior citizen to contact a local law enforcement agency.

The Director of the Department of Public Safety is named as the statewide coordinator of the advisory and is required to adopt rules and issue directives to ensure proper implementation of the advisory. The rules and directives must include the procedures to be used by a local law enforcement agency for determining whether a senior citizen is missing and has an impaired mental condition; a description of the circumstances under which a local law enforcement agency is required to report a missing senior citizen to the department; and the procedures to report information about a missing senior citizen to designated media outlets in Texas.

The Department of Public Safety is required to recruit public and commercial television and radio broadcasters, private commercial entities, state or local government entities, the public, and other appropriate persons to assist in developing and implementing the alert.

The Texas Department of Transportation is required to cooperate with the Department of Public Safety, assist in developing and implementing the advisory, and in establishing a plan for providing relevant information to the public through an existing system of dynamic message signs located across the state.

Local law enforcement agencies are authorized to notify the Department of Public Safety if the local law enforcement agency receives notice of a missing senior citizen; if the local law enforcement agency verifies that at the time the senior citizen was reported missing is 65 years of age or older, their location is unknown, their domicile is in Texas, and they have an impaired mental condition; and if the local law enforcement agency determines that the senior citizen's disappearance poses a credible threat to the senior citizen's health and safety. Local law

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enforcement agencies are required to require the family or legal guardian of the missing senior citizen to provide documentation of the senior citizen's impaired mental condition. A local law enforcement agency that locates a missing senior citizen, that is the subject of a Silver Alert, is required to notify the Department of Public Safety as soon as possible that the missing individual has been located.

The Director of the Department of Public Safety is required to terminate the advisory not later than the earlier of the date on which the individual for whom the alert was issued was recovered, the situation was otherwise resolved, or the notification period end as determined by Department of Public Safety rule.

#### **EFFECTIVE DATE**

This Act takes effect September 1, 2007.

#### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute differs from the original bill by defining "senior citizen" and "alert" and by requiring the Department of Public Safety to develop and implement a "silver alert" system for missing senior citizens; the original requires the Department of Public Safety to develop and implement an advisory for endangered missing persons in general.

The substitute also modifies the requirements of rules that must be adopted by the director of the Department of Public Safety. The criteria required for activation and termination of the alert also differ between the original and the substitute. In addition, the substitute requires local law enforcement to require evidence from family or legal guardian, of the missing senior citizen, to provide documentation of the senior citizen's impaired mental condition as soon as practicable to determine whether the senior citizen's disappearance poses a credible threat to the senior's health and safety.

The substitute also provides that a local law enforcement agency is authorized to alert the Department of Public Safety upon verification of the required alert activation criteria; the original required local law enforcement agencies to notify the Department of Public Safety upon verification of this criteria. The substitute also requires the Department of Public Safety to confirm the accuracy of the information provided by the local law enforcement agency whereas the original required the local law enforcement agency to verify that the criteria for alert activation had been met.

The substitute also differs from the original in that it outlines the contents of the alert and grants additional rulemaking authority to the Director of the Department of Public Safety to define the length of the alert notification period.