

BILL ANALYSIS

S.B. 1315
By: Uresti
Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Amber Alert Program originated in Texas in 1996, with the federal version following in 2003, in response to the abduction and murder of 9-year-old Amber Hagerman. It requires law enforcement agencies to alert the media following 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. An alert system similar to the Amber Alert Program could help to locate these persons before any harm happens to them.

S.B. 1315 requires the Department of Public Safety to develop an alert system for missing senior citizens and provides for the administration and usage of the system and the duties of the involved entities.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the public safety director (Texas Department of Public Safety) in SECTION 1 (Section 411.383, Government Code) of this bill.

ANALYSIS

SECTION 1. Amends Chapter 411, Government Code, by adding Subchapter M, as follows:

SUBCHAPTER M. SILVER ALERT FOR MISSING SENIOR CITIZENS

Sec. 411.381. DEFINITIONS. Defines "alert," "local law enforcement agency," and "senior citizen."

Sec. 411.382. SILVER ALERT FOR MISSING SENIOR CITIZENS. Requires the Texas Department of Public Safety (DPS), with the cooperation of the Texas Department of Transportation (TxDOT), the governor's office, and other appropriate law enforcement agencies, to develop and implement a statewide silver alert to be activated on behalf of missing senior citizens.

Sec. 411.383. ADMINISTRATION. (a) Provides that the public safety director (director) is the statewide coordinator of the alert.

(b) Requires the director to adopt rules and issue directives as necessary to ensure the alert's proper implementation. Sets forth items that are required to be included in the rules and directives.

Sec. 411.384. DEPARTMENT TO RECRUIT PARTICIPANTS. 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 the alert's development and implementation.

Sec. 411.385. DUTIES OF TEXAS DEPARTMENT OF TRANSPORTATION. Requires TxDOT to cooperate with and assist DPS in developing and implementing the advisory and to establish a plan for providing relevant information to the public through existing systems of dynamic message signs across the state.

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Sec. 411.386. NOTIFICATION TO DEPARTMENT OF MISSING SENIOR CITIZEN. (a) Authorizes a local law enforcement agency to notify DPS in situations set forth in this subsection related to the disappearance of a senior citizen

(b) Sets forth the required actions of a local law enforcement agency regarding the assessment of the threat to a senior citizen's health and safety caused by the senior citizen's disappearance.

Sec. 411.387. ACTIVATION OF SILVER ALERT. (a) Requires DPS to confirm the accuracy of a notification under Section 411.386 and, if confirmed, immediately issue an alert under this subchapter in accordance with DPS rules.

(b) Requires DPS, in issuing the alert, to send the alert to designated media outlets in Texas. Authorizes participating radio stations, television stations, and other media outlets, following receipt of the alert, to issue the alert at designated intervals to assist in locating the missing senior citizen.

Sec. 411.388. CONTENT OF SILVER ALERT. Sets forth the information an alert is required to include.

Sec. 411.389. TERMINATION OF SILVER ALERT. (a) Requires the director to terminate an alert activation with respect to a particular missing senior citizen not later than the earlier of the date on which the missing senior citizen is located, the situation is otherwise resolved, or the notification period ends, as determined by DPS rule.

(b) Requires a local law enforcement agency that locates a missing senior citizen subject to an alert under this subchapter to notify DPS as soon as possible that the missing senior citizen has been located.

SECTION 2. Effective date: September 1, 2007.

EFFECTIVE DATE

September 1, 2007