

By: Davis of Dallas

H.B. No. 865

A BILL TO BE ENTITLED

AN ACT

relating to a silver alert for missing senior citizens.

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

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

SUBCHAPTER M. SILVER ALERT FOR MISSING SENIOR CITIZENS

Sec. 411.381. DEFINITIONS. In this subchapter:

(1) "Alert" means the statewide silver alert for missing senior citizens.

(2) "Local law enforcement agency" means a local law enforcement agency with jurisdiction over the investigation of a missing senior citizen.

(3) "Senior citizen" means a person who is 65 years of age or older.

Sec. 411.382. SILVER ALERT FOR MISSING SENIOR CITIZENS.

With the cooperation of the Texas Department of Transportation, the office of the governor, and other appropriate law enforcement agencies in this state, the department shall develop and implement a statewide alert to be activated on behalf of an endangered missing senior citizen.

Sec. 411.383. ADMINISTRATION. (a) The director is the statewide coordinator of the alert.

(b) The director shall adopt rules and issue directives as necessary to ensure proper implementation of the alert. The rules

1 and directives must include instructions on the procedures for
2 activating and deactivating the alert.

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

5 Sec. 411.384. DEPARTMENT TO RECRUIT PARTICIPANTS. (a) The
6 department shall recruit public and commercial television and radio
7 broadcasters, private commercial entities, state or local
8 governmental entities, the public, and other appropriate persons to
9 assist in developing and implementing the alert.

10 (b) The department may enter into agreements with
11 participants in the alert to provide necessary support for the
12 alert.

13 Sec. 411.385. ACTIVATION. (a) On the request of a local
14 law enforcement agency, the department shall activate the alert and
15 notify appropriate participants of the alert, as established by
16 rule, if:

17 (1) the local law enforcement agency believes that a
18 senior citizen is missing under unexplained or suspicious
19 circumstances;

20 (2) the local law enforcement agency believes the
21 senior citizen is in danger because of the senior citizen's age,
22 mental or physical disability, or health issues; and

23 (3) sufficient information is available to
24 disseminate to the public that could assist in locating the senior
25 citizen.

26 (b) The department may modify the criteria described by
27 Subsection (a) as necessary for the proper implementation of the

1 alert.

2 (c) The department may activate the alert statewide or may
3 limit the alert to a specific area in this state where the senior
4 citizen is most likely to be located. The director shall adopt
5 rules to implement this subsection. The rules must take into
6 account:

7 (1) the circumstances surrounding the senior citizen's
8 disappearance; and

9 (2) the senior citizen's access to a motor vehicle or
10 other form of transportation.

11 Sec. 411.386. LOCAL LAW ENFORCEMENT AGENCIES. Before
12 requesting activation of the alert, a local law enforcement agency
13 must verify that the criteria described by Section 411.385(a) have
14 been satisfied. On verification of the criteria, the local law
15 enforcement agency shall immediately contact the department to
16 request activation and shall supply the necessary information on
17 the forms prescribed by the director.

18 Sec. 411.387. STATE AGENCIES. (a) A state agency
19 participating in the alert shall:

20 (1) cooperate with the department and assist in
21 developing and implementing the alert; and

22 (2) establish a plan for providing relevant
23 information to its officers, investigators, or employees, as
24 appropriate, once the alert has been activated.

25 (b) In addition to its duties as a state agency under
26 Subsection (a), the Texas Department of Transportation shall
27 establish a plan for providing relevant information to the public

1 through an existing system of dynamic message signs located across
2 the state.

3 Sec. 411.388. TERMINATION. The director shall terminate
4 any activation of the alert with respect to a particular missing
5 senior citizen if:

6 (1) the senior citizen is located or the situation is
7 otherwise resolved; or

8 (2) the director determines that the alert is no
9 longer an effective tool for locating the senior citizen.

10 SECTION 2. This Act takes effect September 1, 2007.