

By: Truitt

H.B. No. 2099

A BILL TO BE ENTITLED

AN ACT

relating to an alert for a missing person with an intellectual disability.

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

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

SUBCHAPTER M. SILVER ALERT FOR MISSING SENIOR CITIZENS AND PERSONS WITH INTELLECTUAL DISABILITIES

SECTION 2. Section 411.381, Government Code, is amended by amending Subdivisions (1) and (2) and adding Subdivisions (2-a) and (2-b) to read as follows:

(1) "Alert" means the statewide silver alert for missing senior citizens and persons with intellectual disabilities that is developed and implemented under this subchapter.

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

(2-a) "Person with intellectual disability" means a person with significantly subaverage general intellectual functioning that is concurrent with deficits in adaptive behavior and originates during the development period. The term includes a person with a pervasive developmental disorder.

(2-b) "Pervasive developmental disorder" means a disorder that meets the criteria for a pervasive developmental

1 disorder established in the most recent Diagnostic and Statistical  
2 Manual of Mental Disorders published by the American Psychiatric  
3 Association.

4 SECTION 3. Section 411.382, Government Code, is amended to  
5 read as follows:

6 Sec. 411.382. SILVER ALERT FOR MISSING SENIOR CITIZENS AND  
7 PERSONS WITH INTELLECTUAL DISABILITIES. With the cooperation of  
8 the Texas Department of Transportation, the office of the governor,  
9 and other appropriate law enforcement agencies in this state, the  
10 department shall develop and implement a statewide silver alert to  
11 be activated on behalf of a missing senior citizen or person with  
12 intellectual disability.

13 SECTION 4. Section 411.383, Government Code, is amended by  
14 amending Subsection (b) and adding Subsection (c) to read as  
15 follows:

16 (b) The director shall adopt rules and issue directives as  
17 necessary to ensure proper implementation of the alert. The rules  
18 and directives must include:

19 (1) the procedures to be used by a local law  
20 enforcement agency to verify whether a person reported missing [~~a~~  
21 ~~senior citizen:~~

22 [~~(A) is missing, and~~

23 [~~(B)~~] has an impaired mental condition and  
24 is 65 years of age or older or is a person with intellectual  
25 disability;

26 (2) a description of the circumstances under which a  
27 local law enforcement agency is required to report a missing senior

1 citizen or person with intellectual disability to the department;  
2 and

3 (3) the procedures to be used by an individual or  
4 entity to report information about a missing senior citizen or  
5 person with intellectual disability to designated media outlets in  
6 this state [~~Texas~~].

7 (c) The director may adopt a rule renaming the alert.

8 SECTION 5. Section 411.386, Government Code, is amended to  
9 read as follows:

10 Sec. 411.386. NOTIFICATION TO DEPARTMENT OF MISSING SENIOR  
11 CITIZEN OR PERSON WITH INTELLECTUAL DISABILITY. (a) A local law  
12 enforcement agency may notify the department if the agency:

13 (1) receives notice of a missing senior citizen or  
14 person with intellectual disability;

15 (2) verifies that at the time the senior citizen or  
16 other person is reported missing:

17 (A) the person reported missing:

18 (i) has an impaired mental condition and is  
19 65 years of age or older; or

20 (ii) is a person with intellectual  
21 disability;

22 (B) the person's [~~senior citizen's~~] location is  
23 unknown; and

24 (C) the person's [~~senior citizen's~~] domicile is  
25 in this state [~~Texas~~]; and

26 [~~(D) the senior citizen has an impaired mental~~  
27 ~~condition, and]~~

1           (3) determines that the person's [~~senior citizen's~~]  
2 disappearance poses a credible threat to the person's [~~senior~~  
3 ~~citizen's~~] health and safety.

4           (b) The local law enforcement agency shall:

5           (1) require the family or legal guardian of the  
6 missing senior citizen or person with intellectual disability to  
7 provide documentation [~~of the senior citizen's impaired mental~~  
8 ~~condition~~] to verify the condition described [~~as required~~] by  
9 Subsection (a)(2)(A)(i) or (a)(2)(A)(ii), as applicable  
10 [~~(a)(2)(D)~~]; and

11           (2) as soon as practicable, determine whether the  
12 [~~senior citizen's~~] disappearance of the senior citizen or other  
13 person poses a credible threat to the person's [~~senior citizen's~~]  
14 health and safety for purposes of Subsection (a)(3).

15           SECTION 6. Section 411.387(b), Government Code, is amended  
16 to read as follows:

17           (b) In issuing the alert, the department shall send the  
18 alert to designated media outlets in Texas. Following receipt of  
19 the alert, participating radio stations, television stations, and  
20 other media outlets may issue the alert at designated intervals to  
21 assist in locating the missing senior citizen or person with  
22 intellectual disability.

23           SECTION 7. Section 411.388, Government Code, is amended to  
24 read as follows:

25           Sec. 411.388. CONTENT OF SILVER ALERT. The alert must  
26 include:

27           (1) all appropriate information that is provided by

1 the local law enforcement agency and that may lead to the safe  
2 recovery of the missing senior citizen or person with intellectual  
3 disability; and

4 (2) a statement instructing any person with  
5 information related to the missing senior citizen or person with  
6 intellectual disability to contact a local law enforcement agency.

7 SECTION 8. Section 411.389, Government Code, is amended to  
8 read as follows:

9 Sec. 411.389. TERMINATION OF SILVER ALERT. (a) The  
10 director shall terminate any activation of the alert with respect  
11 to a particular missing senior citizen or person with intellectual  
12 disability not later than the earlier of the date on which:

13 (1) the missing senior citizen or other person is  
14 located or the situation is otherwise resolved; or

15 (2) the notification period ends, as determined by  
16 department rule.

17 (b) A local law enforcement agency that locates a missing  
18 senior citizen or person with intellectual disability who is the  
19 subject of an alert under this subchapter shall notify the  
20 department as soon as possible that the missing senior citizen or  
21 other person has been located.

22 SECTION 9. Not later than December 1, 2011, the public  
23 safety director of the Department of Public Safety of the State of  
24 Texas shall adopt rules and issue directives to implement Section  
25 411.383, Government Code, as amended by this Act.

26 SECTION 10. This Act takes effect September 1, 2011.