

## BILL ANALYSIS

Senate Research Center  
84R5060 LEH-D

H.B. 834  
By: Hernandez et al. (Creighton)  
Criminal Justice  
5/1/2015  
Engrossed

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 80th Legislature passed S.B. 1315, requiring the Department of Public Safety of the State of Texas (DPS) to develop an alert system for missing senior citizens, while detailing the administration and usage of the system and the duties of involved entities. This made Texas the first state in our five-state region to adopt a Silver Alert program.

Senior citizens with Alzheimer's disease or other mentally debilitating diseases often wander away from their residences, sometimes with tragic results. An alert system similar to the Amber Alert Program, the Silver Alert Program allows for local law enforcement to use a broad array of statewide media and communication tools to help with the location of a missing senior citizen. This is a critical resource, especially in time-sensitive missing persons searches.

Since 2008, Arkansas, New Mexico, Oklahoma, and Louisiana have followed Texas' example by creating statewide Silver Alert systems.

However, unlike our neighbors and the 30 other states that have Silver Alert programs, Texas's Silver Alert system still retains a requirement that local law enforcement determine whether a person domiciles in Texas before issuance of a statewide Silver Alert.

This can be problematic, as a missing senior's domicile status may not be easily ascertainable, particularly if they are cared for by a third party or are receiving medical treatment in Texas but may actually be a resident of a neighboring state. Even when the missing person is a Texas resident, it often takes time for local police to determine their permanent residence, wasting precious time in which an alert could have already been issued.

While a missing senior who domiciles in Texas can trigger a Silver Alert in any of our neighboring states, Texas cannot currently reciprocate for cases originating from other states as it currently can for Amber or Blue Alert cases. This means that, while individual county and city law enforcement agencies may be able to offer help through a patchwork of local programs, critical statewide tools cannot be utilized. These include Texas Department of Transportation highway signs, Texas Lottery Commission, and statewide private Silver Alert participants such as the Independent Bankers Association of Texas, and statewide media outlets automatically connected into the statewide alert system.

H.B. 834 seeks to streamline the program, by modeling its administrative guidelines with those of the Amber Alert system. This will reduce bureaucratic delays between the initial request of a Silver Alert for an endangered, missing senior and its issuance. This will allow DPS and local law enforcement agencies faster access to a tool when lost time can be a critical deciding factor in locating an individual.

H.B. 834 simply strikes language under Section 411.386 of the Government Code requiring that the senior's domicile must be in Texas. It makes no other programmatic or administrative changes.

All other requirements for the issuance of a Silver Alert remain untouched. These include that a local agency must receive notice of a missing senior citizen, verify that the person reported missing is 65 years of age or older, the senior citizen's location is unknown, the senior citizen has an impaired mental condition; and determines that the senior citizen's disappearance poses a

credible threat to the senior citizen's health and safety. These requirements are in line with all other states' current Silver Alert systems.

H.B. 834 amends current law relating to the criteria for issuing a silver alert for a missing senior citizen.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 411.386, Government Code, as follows:

Sec. 411.386. NOTIFICATION TO DEPARTMENT OF MISSING SENIOR CITIZEN.

(a) Deletes existing Subsection (a)(2)(C) authorizing a local law enforcement agency to notify the Department of Public Safety of the State of Texas (DPS) if the agency verifies that at the time the senior citizen is reported missing the senior citizen's domicile is in Texas. Renumbers remaining text appropriately and makes no further change.

(b) Makes a conforming change to reflect the deletion of Subsection (a)(2)(C).

SECTION 2. Effective date: upon passage or September 1, 2015.