

1-1 By: Pickett, et al. (Senate Sponsor - Buckingham) H.B. No. 2639
1-2 (In the Senate - Received from the House May 5, 2017;
1-3 May 5, 2017, read first time and referred to Committee on
1-4 Administration; May 23, 2017, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; May 23, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to an alert for a missing senior citizen or person with
1-18 Alzheimer's disease.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. The heading to Subchapter M, Chapter 411,
1-21 Government Code, is amended to read as follows:

1-22 SUBCHAPTER M. SILVER ALERT FOR MISSING SENIOR CITIZENS AND PERSONS
1-23 WITH ALZHEIMER'S DISEASE

1-24 SECTION 2. Sections 411.381(1) and (2), Government Code,
1-25 are amended to read as follows:

1-26 (1) "Alert" means the statewide silver alert for
1-27 missing senior citizens and persons with Alzheimer's disease, as
1-28 developed and implemented under this subchapter.

1-29 (2) "Local law enforcement agency" means a local law
1-30 enforcement agency with jurisdiction over the investigation of a
1-31 missing senior citizen or person with Alzheimer's disease.

1-32 SECTION 3. Section 411.382, Government Code, is amended to
1-33 read as follows:

1-34 Sec. 411.382. SILVER ALERT FOR MISSING SENIOR CITIZENS AND
1-35 PERSONS WITH ALZHEIMER'S DISEASE. With the cooperation of the
1-36 Texas Department of Transportation, the office of the governor, and
1-37 other appropriate law enforcement agencies in this state, the
1-38 department shall develop and implement a statewide silver alert to
1-39 be activated on behalf of a missing senior citizen or person with
1-40 Alzheimer's disease.

1-41 SECTION 4. Section 411.383(b), Government Code, is amended
1-42 to read as follows:

1-43 (b) The director shall adopt rules and issue directives as
1-44 necessary to ensure proper implementation of the alert. The rules
1-45 and directives must include:

1-46 (1) the procedures to be used by a local law
1-47 enforcement agency to verify whether a person reported missing is a
1-48 senior citizen with [+]

1-49 [~~(A)~~ is missing, and
1-50 [~~(B)~~ has] an impaired mental condition or a
1-51 person with Alzheimer's disease and whether the person's location
1-52 is unknown;

1-53 (2) a description of the circumstances under which a
1-54 local law enforcement agency is required to report a missing senior
1-55 citizen or person with Alzheimer's disease to the department; and

1-56 (3) the procedures to be used by an individual or
1-57 entity to report information about a missing senior citizen or
1-58 person with Alzheimer's disease to designated media outlets in
1-59 Texas.

1-60 SECTION 5. Section 411.386, Government Code, is amended to
1-61 read as follows:

1-62 Sec. 411.386. NOTIFICATION TO DEPARTMENT OF MISSING SENIOR

2-1 CITIZEN OR PERSON WITH ALZHEIMER'S DISEASE. (a) A local law
 2-2 enforcement agency may notify the department if the agency:
 2-3 (1) receives notice of a missing senior citizen or
 2-4 person with Alzheimer's disease;
 2-5 (2) verifies that at the time the senior citizen or
 2-6 person with Alzheimer's disease is reported missing:
 2-7 (A) the person reported missing:
 2-8 (i) is 65 years of age or older and has an
 2-9 impaired mental condition; or
 2-10 (ii) is a person with Alzheimer's disease;
 2-11 and
 2-12 (B) the person's [~~senior citizen's~~] location is
 2-13 unknown; and
 2-14 [~~(C) the senior citizen has an impaired mental~~
 2-15 ~~condition; and~~]
 2-16 (3) determines that the person's [~~senior citizen's~~]
 2-17 disappearance poses a credible threat to the person's [~~senior~~
 2-18 ~~citizen's~~] health and safety.
 2-19 (b) The local law enforcement agency shall:
 2-20 (1) require the family or legal guardian of the
 2-21 missing senior citizen or person with Alzheimer's disease to
 2-22 provide documentation of the person's age and [~~senior citizen's~~
 2-23 ~~impaired mental~~] condition to verify the person's status
 2-24 [~~condition~~] as described [~~required~~] by Subsection (a)(2)(A)
 2-25 [~~(a)(2)(C)~~]; and
 2-26 (2) as soon as practicable, determine whether the
 2-27 person's [~~senior citizen's~~] disappearance poses a credible threat
 2-28 to the person's [~~senior citizen's~~] health and safety for purposes of
 2-29 Subsection (a)(3).
 2-30 SECTION 6. Section 411.387(b), Government Code, is amended
 2-31 to read as follows:
 2-32 (b) In issuing the alert, the department shall send the
 2-33 alert to designated media outlets in Texas. Following receipt of
 2-34 the alert, participating radio stations and [7] television
 2-35 stations [7] and other participating media outlets may issue the
 2-36 alert at designated intervals to assist in locating the missing
 2-37 senior citizen or person with Alzheimer's disease.
 2-38 SECTION 7. Section 411.388, Government Code, is amended to
 2-39 read as follows:
 2-40 Sec. 411.388. CONTENT OF SILVER ALERT. The alert must
 2-41 include:
 2-42 (1) all appropriate information that is provided by
 2-43 the local law enforcement agency and that may lead to the safe
 2-44 recovery of the missing senior citizen or person with Alzheimer's
 2-45 disease; and
 2-46 (2) a statement instructing any person with
 2-47 information related to the missing senior citizen or person with
 2-48 Alzheimer's disease to contact a local law enforcement agency.
 2-49 SECTION 8. Section 411.389, Government Code, is amended to
 2-50 read as follows:
 2-51 Sec. 411.389. TERMINATION OF SILVER ALERT. (a) The
 2-52 director shall terminate any activation of the alert with respect
 2-53 to a particular missing senior citizen or person with Alzheimer's
 2-54 disease not later than the earlier of the date on which:
 2-55 (1) the missing person [~~senior citizen~~] is located or
 2-56 the situation is otherwise resolved; or
 2-57 (2) the notification period ends, as determined by
 2-58 department rule.
 2-59 (b) A local law enforcement agency that locates a missing
 2-60 senior citizen or person with Alzheimer's disease who is the
 2-61 subject of an alert under this subchapter shall notify the
 2-62 department as soon as possible that the missing person [~~senior~~
 2-63 ~~citizen~~] has been located.
 2-64 SECTION 9. This Act takes effect immediately if it receives
 2-65 a vote of two-thirds of all the members elected to each house, as
 2-66 provided by Section 39, Article III, Texas Constitution. If this
 2-67 Act does not receive the vote necessary for immediate effect, this
 2-68 Act takes effect September 1, 2017.