

House Bill 2639
Senate Amendments
Section-by-Section Analysis

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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 ALZHEIMER'S DISEASE

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

(1) "Alert" means the statewide silver alert for missing senior citizens and persons with Alzheimer's disease, as 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 Alzheimer's disease.

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

Sec. 411.382. SILVER ALERT FOR MISSING SENIOR CITIZENS AND PERSONS WITH ALZHEIMER'S DISEASE. 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 silver alert to be activated on behalf of a missing senior citizen or person with Alzheimer's disease.

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

(b) The director shall adopt rules and issue directives as

SENATE VERSION (IE)

SECTION 1. Same as House version.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

SECTION 4. Same as House version.

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necessary to ensure proper implementation of the alert. The rules and directives must include:

- (1) the procedures to be used by a local law enforcement agency to verify whether a person reported missing is a senior citizen with [~~±~~ ~~(A) is missing; and~~ ~~(B) has~~] an impaired mental condition or a person with Alzheimer's disease and whether the person's location is unknown;
- (2) a description of the circumstances under which a local law enforcement agency is required to report a missing senior citizen or person with Alzheimer's disease to the department; and
- (3) the procedures to be used by an individual or entity to report information about a missing senior citizen or person with Alzheimer's disease to designated media outlets in Texas.

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

Sec. 411.386. NOTIFICATION TO DEPARTMENT OF MISSING SENIOR CITIZEN OR PERSON WITH ALZHEIMER'S DISEASE. (a) A local law enforcement agency may notify the department if the agency:

- (1) receives notice of a missing senior citizen or person with Alzheimer's disease;
- (2) verifies that at the time the senior citizen or person with Alzheimer's disease is reported missing:
 - (A) the person reported missing:
 - (i) is 65 years of age or older and has an impaired mental condition; or
 - (ii) is a person with Alzheimer's disease; and

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SECTION 5. Same as House version.

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(B) the person's [~~senior citizen's~~] location is unknown; and
[(C) ~~the senior citizen has an impaired mental condition; and~~]
(3) determines that the person's [~~senior citizen's~~]
disappearance poses a credible threat to the person's [~~senior
citizen's~~] health and safety.
(b) The local law enforcement agency shall:
(1) require the family or legal guardian of the missing senior
citizen or person with Alzheimer's disease to provide
documentation of the person's age and [~~senior citizen's
impaired mental~~] condition to verify the person's status
[~~condition~~] as described [~~required~~] by Subsection (a)(2)(A)
[(a)(2)(C)]; and
(2) as soon as practicable, determine whether the person's
[~~senior citizen's~~] disappearance poses a credible threat to the
person's [~~senior citizen's~~] health and safety for purposes of
Subsection (a)(3).

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

(b) In issuing the alert, the department shall send the alert to designated media outlets in Texas. Following receipt of the alert, participating radio stations and[~~and~~] television stations[~~and~~] and other participating media outlets may issue the alert at designated intervals to assist in locating the missing senior citizen or person with Alzheimer's disease.

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

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

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SECTION 6. Same as House version.

SECTION 7. Same as House version.

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- (1) all appropriate information that is provided by the local law enforcement agency and that may lead to the safe recovery of the missing senior citizen or person with Alzheimer's disease; and
- (2) a statement instructing any person with information related to the missing senior citizen or person with Alzheimer's disease to contact a local law enforcement agency.

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

Sec. 411.389. TERMINATION OF SILVER ALERT. (a) The director shall terminate any activation of the alert with respect to a particular missing senior citizen or person with Alzheimer's disease not later than the earlier of the date on which:

- (1) the missing person [~~senior citizen~~] is located or the situation is otherwise resolved; or
- (2) the notification period ends, as determined by department rule.

(b) A local law enforcement agency that locates a missing senior citizen or person with Alzheimer's disease who is the subject of an alert under this subchapter shall notify the department as soon as possible that the missing person [~~senior citizen~~] has been located.

No equivalent provision.

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SECTION 8. Same as House version.

SECTION __. Chapter 411, Government Code, is amended by adding Subchapter P to read as follows:
SUBCHAPTER P. CAMO ALERT FOR MISSING MILITARY MEMBERS

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Sec. 411.441. DEFINITIONS. In this subchapter:

(1) "Alert" means the statewide camo alert for missing military members that is developed and implemented under this subchapter.

(2) "Law enforcement agency" means a law enforcement agency with jurisdiction over the investigation of a missing military member.

(3) "Military member" means a person who is a current or former member of the United States armed forces, including the National Guard or a reserve or auxiliary unit of any branch of the armed forces.

Sec. 411.442. CAMO ALERT FOR MISSING MILITARY MEMBERS. 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 camo alert to be activated on behalf of a missing military member.

Sec. 411.443. 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 and directives must include:

(1) the procedures to be used by a law enforcement agency to verify whether a military member:

(A) is missing; and

(B) suffers from a mental illness, including post-traumatic stress disorder, or a traumatic brain injury; and

(c) is under the care of a physician or court appointed legal guardian;

(2) a description of the circumstances under which a law enforcement agency is required to report a missing military member to the department; and

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(3) the procedures to be used by an individual or entity to report information about a missing military member to designated media outlets in this state;

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

Sec. 411.444. DEPARTMENT TO RECRUIT PARTICIPANTS. The department shall 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 developing and implementing the alert system.

Sec. 411.445. STATE AGENCIES. (a) A state agency participating in the alert system shall:

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

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

(b) In addition to its duties as a state agency under Subsection (a), the Texas Department of Transportation shall establish a plan for providing relevant information to the public through an existing system of dynamic message signs located across the state.

Sec. 411.446. NOTIFICATION TO DEPARTMENT OF MISSING MILITARY MEMBER. (a) A law enforcement agency shall notify the department if the agency:

(1) receives notice of a missing military member;

(2) verifies that at the time the military member is reported missing:

(A) the person reported missing is a military member;

(B) the military member's location is unknown;

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(C) the military member's residence is in this state; and
(D) the military member suffers from a diagnosed mental illness, including post-traumatic stress disorder, or a traumatic brain injury; and
(E) the military member is under the care of a physician or a court-appointed guardian;
(3) determines that the military member's disappearance poses a credible threat to the military member's health and safety or the health and safety of another; and
(4) believes sufficient information that could assist in locating the missing military member is available to disseminate to the public.
(b) The law enforcement agency shall:
(1) require the family or legal guardian of the missing military member to provide documentation of the military member's mental illness or traumatic brain injury and of the military member's care to verify whether the member satisfies the requirements of Subsection (a)(2)(D) and (E); and
(2) as soon as practicable, determine whether the military member's disappearance poses a credible threat to the military member's health and safety or the health and safety of another for purposes of Subsection (a)(3).
Sec. 411.447. ACTIVATION OF CAMO ALERT. (a) When a law enforcement agency notifies the department under Section 411.446, the department shall confirm the accuracy of the information and, if confirmed, immediately issue an alert under this subchapter in accordance with department rules.
(b) In issuing the alert, the department shall send the alert to designated media outlets in this state. Following receipt of the alert, participating radio stations and television stations and other participating media outlets may issue the alert at designated intervals to assist in locating the missing military

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member.

Sec. 411.448. CONTENT OF CAMO ALERT. The alert must include:

(1) all appropriate information that is provided by the law enforcement agency under Section 411.446 and that may lead to the safe recovery of the missing military member; which may include:

(A) the missing military member's name, age, identifying marks, picture, and vehicle information; and

(B) the general location from which the military member is missing; and

(2) a statement instructing any person with information related to the missing military member to contact a law enforcement agency.

Sec. 411.449. TERMINATION OF CAMO ALERT. (a) The director shall terminate any activation of the alert with respect to a particular missing military member not later than the earlier of the date on which:

(1) the missing military member is located or the situation is otherwise resolved; or

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

(b) A law enforcement agency that locates a missing military member who is the subject of an alert under this subchapter shall notify the department as soon as possible that the missing military member has been located.

Sec. 411.450. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2021. [FA1]

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house,

SECTION 9. Same as House version.

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as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

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