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H.B. No. 2639

A BILL TO BE ENTITLED

AN ACT

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

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 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

1 Alzheimer's disease.

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

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

7 (1) the procedures to be used by a local law  
8 enforcement agency to verify whether a person reported missing is a  
9 senior citizen with [+

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

11 [~~(B) has~~] an impaired mental condition or a  
12 person with Alzheimer's disease and whether the person's location  
13 is unknown;

14 (2) a description of the circumstances under which a  
15 local law enforcement agency is required to report a missing senior  
16 citizen or person with Alzheimer's disease to the department; and

17 (3) the procedures to be used by an individual or  
18 entity to report information about a missing senior citizen or  
19 person with Alzheimer's disease to designated media outlets in  
20 Texas.

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

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

26 (1) receives notice of a missing senior citizen or  
27 person with Alzheimer's disease;

1 (2) verifies that at the time the senior citizen or  
2 person with Alzheimer's disease is reported missing:

3 (A) the person reported missing:

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

6 (ii) is a person with Alzheimer's disease;  
7 and

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

10 [~~(C) the senior citizen has an impaired mental~~  
11 ~~condition; and]~~

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

15 (b) The local law enforcement agency shall:

16 (1) require the family or legal guardian of the  
17 missing senior citizen or person with Alzheimer's disease to  
18 provide documentation of the person's age and [~~senior citizen's~~  
19 ~~impaired mental~~] condition to verify the person's status  
20 [~~condition~~] as described [~~required~~] by Subsection (a)(2)(A)  
21 [~~(a)(2)(C)~~]; and

22 (2) as soon as practicable, determine whether the  
23 person's [~~senior citizen's~~] disappearance poses a credible threat  
24 to the person's [~~senior citizen's~~] health and safety for purposes of  
25 Subsection (a)(3).

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

1 (b) In issuing the alert, the department shall send the  
2 alert to designated media outlets in Texas. Following receipt of  
3 the alert, participating radio stations and[7] television  
4 stations[7] and other participating media outlets may issue the  
5 alert at designated intervals to assist in locating the missing  
6 senior citizen or person with Alzheimer's disease.

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

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

11 (1) all appropriate information that is provided by  
12 the local law enforcement agency and that may lead to the safe  
13 recovery of the missing senior citizen or person with Alzheimer's  
14 disease; and

15 (2) a statement instructing any person with  
16 information related to the missing senior citizen or person with  
17 Alzheimer's disease to contact a local law enforcement agency.

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

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

24 (1) the missing person [~~senior citizen~~] is located or  
25 the situation is otherwise resolved; or

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

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

6           SECTION 9. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2017.