

SENATE AMENDMENTS

2nd Printing

By: Pickett, Zerwas, Raymond, Wray,
King of Parker, et al.

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.

ADOPTED

FLOOR AMENDMENT NO. 1

MAY 24 2017

BY: Uresti

Letae Saw
Secretary of the Senate

1 Amend H.B. No. 2639 (senate committee report) by adding the
2 following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Chapter 411, Government Code, is amended by
5 adding Subchapter P to read as follows:

6 SUBCHAPTER P. CAMO ALERT FOR MISSING MILITARY MEMBERS

7 Sec. 411.441. DEFINITIONS. In this subchapter:

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

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

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

18 Sec. 411.442. CAMO ALERT FOR MISSING MILITARY MEMBERS.
19 With the cooperation of the Texas Department of Transportation,
20 the office of the governor, and other appropriate law
21 enforcement agencies in this state, the department shall develop
22 and implement a statewide camo alert to be activated on behalf
23 of a missing military member.

24 Sec. 411.443. ADMINISTRATION. (a) The director is the
25 statewide coordinator of the alert.

26 (b) The director shall adopt rules and issue directives as
27 necessary to ensure proper implementation of the alert. The

1 rules and directives must include:

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

4 (A) is missing;

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

8 (C) is under the care of a physician or court
9 appointed legal guardian;

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

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

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

19 Sec. 411.444. DEPARTMENT TO RECRUIT PARTICIPANTS. The
20 department shall recruit public and commercial television and
21 radio broadcasters, private commercial entities, state or local
22 governmental entities, the public, and other appropriate persons
23 to assist in developing and implementing the alert system.

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

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

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

31 (b) In addition to its duties as a state agency under
32 Subsection (a), the Texas Department of Transportation shall
33 establish a plan for providing relevant information to the

1 public through an existing system of dynamic message signs
2 located across the state.

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

6 (1) receives notice of a missing military member;

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

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

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

12 (C) the military member's residence is in this
13 state;

14 (D) the military member suffers from a diagnosed
15 mental illness, including post-traumatic stress disorder, or a
16 diagnosed traumatic brain injury; and

17 (E) the military member is under the care of a
18 physician or a court-appointed guardian;

19 (3) determines that the military member's
20 disappearance poses a credible threat to the military member's
21 health and safety or the health and safety of another; and

22 (4) believes sufficient information that could assist
23 in locating the missing military member is available to
24 disseminate to the public.

25 (b) The law enforcement agency shall:

26 (1) require the family or legal guardian of the
27 missing military member to provide documentation of the military
28 member's mental illness or traumatic brain injury and of the
29 military member's care to verify whether the member satisfies
30 the requirements of Subsections (a) (2) (D) and (E); and

31 (2) as soon as practicable, determine whether the

1 military member's disappearance poses a credible threat to the
2 military member's health and safety or the health and safety of
3 another for purposes of Subsection (a)(3).

4 Sec. 411.447. ACTIVATION OF CAMO ALERT. (a) When a law
5 enforcement agency notifies the department under Section
6 411.446, the department shall confirm the accuracy of the
7 information and, if confirmed, immediately issue an alert under
8 this subchapter in accordance with department rules.

9 (b) In issuing the alert, the department shall send the
10 alert to designated media outlets in this state. Following
11 receipt of the alert, participating radio stations and
12 television stations and other participating media outlets may
13 issue the alert at designated intervals to assist in locating
14 the missing military member.

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

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

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

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

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

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

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

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

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

9 Sec. 411.450. EXPIRATION OF SUBCHAPTER. This subchapter
10 expires September 1, 2021.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 25, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2639 by Pickett (Relating to an alert for a missing senior citizen or person with Alzheimer's disease.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to include persons with Alzheimer's disease in the state's Silver Alert program.

The bill would also amend the Government Code to establish a "Camo Alert" program for certain missing military members. The new alert program would place the same requirements on both the Department of Public Safety and the Texas Department of Transportation that exist for the Amber, Silver, and Blue Alert programs. It is assumed that implementing the provisions of the bill could be absorbed within existing resources.

The Texas Department of Transportation, after communicating with the Federal Highway Administration, does not anticipate that the federal agency would consider the bill's "Camo Alert" program to be out of compliance with the federal Manual on Uniform Traffic Control Devices, so long as the "Camo Alert" program includes provisions to ensure that the messages are transportation related; clear; concise; and easily understood. Further, the program would need to include provisions requiring confirmation of a person meeting the "Camo Alert" criteria.

It is assumed the costs to implement the provisions of the bill could be absorbed in existing resources.

The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house. Otherwise, the bill would take effect September 1, 2017.

Local Government Impact

The San Antonio Police Department anticipates no fiscal implication under the provisions of the bill.

Source Agencies: 300 Trusteed Programs Within the Office of the Governor, 405 Department of Public Safety, 458 Alcoholic Beverage Commission, 601 Department of Transportation

LBB Staff: UP, KK, FR, AI, JGA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 22, 2017

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Administration

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2639 by Pickett (Relating to an alert for a missing senior citizen or person with Alzheimer's disease.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to include persons with Alzheimer's disease in the state's Silver Alert program. It is assumed the costs to implement the provisions of the bill could be absorbed in existing resources.

The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house. Otherwise, the bill would take effect September 1, 2017.

Local Government Impact

The San Antonio Police Department anticipates no fiscal implication under the provisions of the bill.

Source Agencies: 300 Truusted Programs Within the Office of the Governor, 405 Department of Public Safety, 458 Alcoholic Beverage Commission, 601 Department of Transportation

LBB Staff: UP, KK, FR, AI, JGA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 2, 2017

TO: Honorable Phil King, Chair, House Committee on Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2639 by Pickett (Relating to an alert for a missing senior citizen or person with Alzheimer's disease.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to include persons with Alzheimer's disease in the state's Silver Alert program. It is assumed the costs to implement the provisions of the bill could be absorbed in existing resources.

The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house. Otherwise, the bill would take effect September 1, 2017.

Local Government Impact

The San Antonio Police Department anticipates no fiscal implication under the provisions of the bill.

Source Agencies: 300 Trusted Programs Within the Office of the Governor, 405 Department of Public Safety, 458 Alcoholic Beverage Commission, 601 Department of Transportation

LBB Staff: UP, FR, AI, JGA