

SUBJECT: Creating a Silver Alert for missing senior citizens.

COMMITTEE: Law Enforcement — committee substitute recommended

VOTE: 6 ayes — Driver, Latham, Frost, Ortiz, Vo, West

0 nays

1 absent — Allen

WITNESSES: For — Claudio Cruz, Alzheimer Association; (*Registering, but did not testify*: Karen R. Johnson, United Ways of Texas; Amanda McCloskey, AARP-Texas)

Against — None

On — Heidi Fischer, Texas Department of Public Safety; (*Registering, but did not testify*: Michael Gougler, Texas Department of Public Safety; Carlos Lopez, Texas Department of Transportation)

BACKGROUND: The 78th Legislature in 2003 enacted SB 57 by Zaffirini, amending Government Code, ch. 411 to add subch. L and create a statewide AMBER (America's Missing: Broadcast Emergency Response) alert system to track abducted children and return them to safety. This codified Gov. Perry's Executive Order RP16, of August 12, 2002, to create the statewide AMBER alert system. The network is a cooperative program of the Governor's Office, the Texas Department of Public Safety (DPS), the Texas Department of Transportation (TxDOT), and the Texas Association of Broadcasters. When a local law enforcement officer activates an AMBER Alert, DPS issues a notice on the Emergency Alert System, which is relayed to television and radio stations within a 200-mile radius of the kidnapping. DPS also alerts other law enforcement agencies and notifies TxDOT to flash messages on electronic highway signs warning motorists to watch for the suspect's vehicle. The Texas Lottery Commission has agreed to participate by displaying information about abducted children on electronic lottery terminal signs at businesses that sell lottery tickets.

DIGEST:

CSHB 157 would amend Government Code, ch. 411, adding subch. M to create a Silver Alert system for missing senior citizens. The bill would designate the DPS director as the Silver Alert system director, who would be required to work with TxDOT, the Governor's Office, and local law enforcement agencies to develop and maintain the system. DPS would adopt rules and issue directives as needed to implement the system.

DPS would issue a Silver Alert upon request of a local law enforcement agency if:

- a person 65 years of age or older who lived in Texas was reported missing;
- the senior citizen had an impaired mental condition; and
- an investigation determined that the senior citizen's disappearance posed a credible threat to the person's health and safety.

The DPS director would have to recruit public and commercial television and radio broadcasters, private commercial entities, state and local governmental entities, the public, and other appropriate persons to assist in developing and implementing the system. TxDOT and other participating state agencies would establish plans to cooperate with DPS and provide information to the public.

CSHB 157 would require the family or legal guardian of the missing senior citizen to provide documentation to the local law enforcement agency of that person's impaired mental condition. The DPS then would have to confirm the information and request that media outlets issue the Silver Alert. The media would be requested to issue the alert at designated intervals to help locate the missing senior citizen.

The Silver Alert would include information that would lead to the safe return of the missing senior citizen and a statement requesting that the public contact a local law enforcement agency with any information they may have about the person. The DPS director would have to cancel the Silver alert once the missing person was located or the situation otherwise were resolved. The alert would expire after the time determined by the program rules. Local law enforcement agencies would have to notify DPS if they found the missing person.

The bill would take effect on September 1, 2007.

**SUPPORTERS
SAY:**

Creating a Silver Alert system would help to locate a missing and possibly vulnerable senior citizen quickly and before that person became endangered. The program would build on the success of the AMBER Alert system for abducted children and on similar Silver Alert systems adopted last year in Colorado, Illinois and other states. There should be little cost to the program because local law enforcement agencies and the media should be willing to publicize and use the program as they have with the AMBER alerts.

CShB 157 would establish strict criteria for activating the system and would require DPS to develop additional guidelines for the alerts. The bill also would limit the requests to Texas citizens. State and local law enforcement agencies have had sufficient time to master the learning curve on when to issue alerts because of the AMBER Alert system, and the public can rely on alert officials to use their discretion wisely. Texas law enforcement agencies have learned from false alerts issued through the AMBER Alert program.

Finding a disoriented elderly person is different from locating a missing 10-year-old girl, but the general need for prompt public awareness remains the same. The alerts can be made strictly on a local basis if the senior citizen has wandered away on foot. However, in some recent cases impaired senior citizens have driven long distances from their homes, such as when a resident of the Rio Grande Valley was located several days later in Nuevo Laredo.

CShB 157 properly would narrow the alert to those senior citizens suffering from Alzheimer's disease or other forms of dementia or mental impairment. However, the rules-making process should have enough flexibility to consider making senior citizens with other health conditions eligible for Silver Alerts.

**OPPONENTS
SAY:**

Overuse of all kinds of alerts, whether AMBER or Silver Alerts, could reduce their effectiveness. Activating alerts too often in non-emergencies could make the public less responsive in more serious missing senior citizen or child abduction cases. Too many appeals could cause the public no longer to heed them and could dilute the effectiveness and credibility of all alert programs.

Requiring the local law enforcement agency to confirm the information provided by family could make the process too cumbersome when time might be of the essence in locating the missing senior citizen.

OTHER
OPPONENTS
SAY:

The bill should include other medical conditions, such as diabetes, on the list of impairments that could cause senior citizens to become disoriented and require Silver Alert notification.

NOTES:

The committee substitute differs from the original bill in provisions that would define “alert” and “senior citizen” and that would require DPS to confirm information received by the local law enforcement agency before it would be able to issue a Silver Alert.

The fiscal note estimates that implementation of a Silver Alert system would cost \$120,000 in fiscal 2008 and \$104,000 in fiscal 2009 from State Highway Fund 6 for two additional DPS employees to manage the program.

The companion bill, SB 1315 by Uresti, passed the Senate on the Local and Uncontested Calendar on April 19 and was reported favorably, without amendment, by the House Law Enforcement Committee on April 25, making it eligible to be considered in lieu of HB 157.