

SUBJECT: Issuing Silver Alerts for seniors without verification of a Texas domicile

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 8 ayes — Phillips, Burns, Dale, Johnson, Metcalf, Moody, M. White, Wray

0 nays

1 absent — Nevárez

WITNESSES: For — (*Registered, but did not testify*: Bill Elkin, Houston Police Retired Officers Association; Lon Craft, Texas Municipal Police Association; Adrianna Cuellar Rojas, United Ways of Texas)

Against — None

On — (*Registered, but did not testify*: Tom Polonis and Dede Powell, Texas Department of Public Safety)

BACKGROUND: The 80th Legislature in 2007 enacted SB 1315 by Uresti, which created the Silver Alert for missing senior citizens. This alert uses road signs and media outlets to provide the public with information that could help locate the senior citizen.

Government Code, sec. 411.386 allows local law enforcement agencies to notify the Texas Department of Public Safety (DPS) of a missing senior citizen if the agency has verified that:

- the person is 65 or older;
- the person's location is unknown;
- the person's domicile is in Texas; and
- the person has an impaired mental condition.

The agency also must have determined that the disappearance puts the

missing person's health and safety at risk before notifying DPS. Under sec. 411.327, after confirming the information is accurate, DPS must immediately issue a Silver Alert for the missing individual.

DIGEST: HB 834 would remove the requirement that local law enforcement agencies verify a missing senior citizen's domicile is in Texas before notifying DPS to issue a Silver Alert.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

SUPPORTERS SAY: HB 834 would remove a cumbersome limitation of the effective Silver Alert system in Texas. Current law requires local law enforcement to verify that a senior citizen's domicile is in Texas before notifying DPS for a Silver Alert. This bill would prevent precious time from being wasted in the event a senior citizen was missing, and it would bring Texas in line with practices of state Silver Alert systems nationwide.

Requiring verification that a missing senior's domicile is in Texas can cause a delay of up to several hours in issuing an alert, endangering the missing person unnecessarily. This delay can be extended if verification is complicated by other factors, such as if the missing senior is being cared for by a third party or is receiving medical care in Texas but resides in another state.

HB 834 would increase the likelihood that at-risk missing seniors from Texas and neighboring states were located quickly and safely. Current law does not allow for Silver Alerts to be issued for missing seniors from other states who drive into Texas, even though there is significant risk of this occurring. At the same time, states neighboring Texas do not have this restriction. A missing senior from Baytown, Texas, was located in Louisiana after the alert systems in both states were activated.

HB 834 would not increase alert fatigue. Silver Alerts in dozens of other

states do not require verification of domicile, and those states have not reported alert fatigue. The number of alerts resulting from the bill also would be insignificant compared to the number currently issued, and each additional alert would represent another opportunity to save a life.

**OPPONENTS
SAY:**

Any bill that expands alerts risks increasing the possibility of alert fatigue, which can make members of the public less likely to pay attention to any one specific alert. In addition to Silver Alerts, DPS maintains Amber Alerts and Blue Alerts (for certain suspects in incidents involving violence against a police officer).