

1 SB12
2 203429-1
3 By Senator Smitherman
4 RFD: Governmental Affairs
5 First Read: 04-FEB-20
6 PFD: 12/19/2019

SYNOPSIS: Under existing law, the Missing Senior Citizen Alert Act provides a rapid response to missing or lost senior citizens who are at risk of bodily harm or death.

This bill would expand existing law to include missing and endangered persons suffering from a mental or physical disability who are at risk of bodily harm or death.

A BILL
TO BE ENTITLED
AN ACT

Relating to missing and endangered persons; to amend Sections 26-19A-1, 26-19A-2, 26-19A-3, 26-19A-4, and 26-19A-5, Code of Alabama 1975, to expand existing law to include missing and endangered persons suffering from a mental or physical disability who are at risk of bodily harm or death.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 26-19A-1, 26-19A-2, 26-19A-3,
2 26-19A-4, and 26-19A-5, Code of Alabama 1975, are amended to
3 read as follows:

4 "§26-19A-1.

5 "This chapter shall be known and may be cited as the
6 Missing ~~Senior Citizen~~ and Endangered Persons Alert Act.

7 "§26-19A-2.

8 "The Missing ~~Senior Citizen~~ and Endangered Persons
9 Alert Act is enacted for the following purposes:

10 "(1) To provide a rapid response to missing or lost
11 ~~senior citizens~~ persons suffering from a mental disability,
12 physical disability, Alzheimer's disease, dementia, or autism
13 and are at risk of bodily harm or death ~~or persons suffering~~
14 ~~from Alzheimer's disease or dementia.~~

15 "(2) To gain the voluntary assistance of the
16 broadcast media to help locate missing ~~senior citizens~~ and
17 endangered persons.

18 "§26-19A-3.

19 "When used in this chapter, the following words and
20 terms shall have the following meanings:

21 "~~(1) ACJIC. The Alabama Criminal Justice Information~~
22 ~~Center.~~

23 "~~(2)~~ (1) BROADCASTER. Any entity that is engaged in
24 the business of broadcasting video or audio programs, whether
25 through the public airwaves, by cable, by direct or indirect
26 satellite transmissions, or by any other means of
27 communication.

1 "~~(3)~~ (2) DEPARTMENT. The Alabama State Law
2 Enforcement Agency.

3 "~~(4)~~ (3) MISSING SENIOR CITIZEN AND ENDANGERED
4 PERSONS ALERT. A voluntary program entered into by the
5 department and other local and state law enforcement agencies
6 and the Alabama Association of Broadcasters and broadcasters
7 licensed to serve in the state, which provides that if the
8 department verifies that a ~~senior citizen~~ person suffering
9 from a mental disability, physical disability, Alzheimer's
10 disease, dementia, or autism is missing or lost and in danger,
11 a media alert is transmitted. The broadcasters participating
12 in the program then ~~issue a~~ distribute the media alert.

13 "§26-19A-4.

14 "(a) A missing ~~senior citizen~~ and endangered persons
15 alert shall be activated by the department when a ~~citizen~~
16 person is reported missing and an investigation reveals the
17 following:

18 "(1) The ~~citizen~~ person is suffering from a mental
19 disability, physical disability, Alzheimer's disease,
20 dementia, or autism and is at risk of bodily harm or death, ~~or~~
21 ~~suffers from Alzheimer's disease or dementia. An alert may be~~
22 ~~issued for a person suffering from Alzheimer's disease or~~
23 ~~dementia regardless of age.~~

24 "(2) There is enough descriptive information about
25 the ~~senior or~~ person suffering from ~~Alzheimer's disease or~~
26 ~~dementia~~ a mental disability, physical disability, Alzheimer's
27 disease, dementia, or autism and at risk of bodily harm or

1 death to believe an immediate media alert would help
2 investigators locate the person. For persons suffering from
3 ~~Alzheimer's disease or dementia~~ a mental disability, physical
4 disability, Alzheimer's disease, dementia, or autism, a
5 statement from a caregiver that the missing person suffers
6 from ~~either disease~~ a mental disability, physical disability,
7 Alzheimer's disease, dementia, or autism shall be considered
8 sufficient proof of the ~~disease~~ mental disability, physical
9 disability, Alzheimer's disease, dementia, or autism.

10 " (b) A report of a missing ~~senior citizen or missing~~
11 ~~person suffering from Alzheimer's disease or dementia~~ and
12 endangered person may be made by a local law enforcement
13 agency to the department as soon as a concerned party or
14 caregiver believes the person to be missing and the
15 originating local law enforcement agency has entered
16 identifying and descriptive information about the missing and
17 endangered person to the Alabama Center for Missing and
18 Exploited Children and to the National Crime Information
19 Center pursuant to Section 26-19-7. Upon the submission of the
20 report, a search in the missing and endangered person's local
21 area may begin immediately, and the department may expand the
22 search to include areas outside of the missing and endangered
23 person's local area if needed.

24 " (c) The department and local law enforcement
25 agencies shall require law enforcement officers and other
26 emergency personnel to complete first responder training for
27 missing persons with Alzheimer's disease or other forms of

1 dementia, if such training is available through the
2 department, the Alabama Peace Officers' Standards and Training
3 Commission, or the free training and certification program
4 offered by the Alzheimer's Association. If a missing and
5 endangered person report is made for a person suffering from
6 Alzheimer's disease or dementia, the department and local law
7 enforcement agencies shall utilize, if available, personnel
8 who have participated in this training to assist in conducting
9 the search.

10 "§26-19A-5.

11 "Once a determination has been made to activate the
12 missing ~~senior citizen~~ and endangered person media alert, the
13 ~~originating agency~~ department shall do the following:

14 "(1) Issue a local media alert via E-mail ~~and fax~~
15 indicating that a ~~senior citizen~~ person suffering from a
16 mental disability, physical disability, Alzheimer's disease,
17 dementia, or autism is missing and believed to be in danger.

18 "(2) Prepare and send via E-mail ~~and fax~~ the
19 information and description of the missing ~~senior~~ and
20 endangered person to the media in the appropriate area.

21 "(3) Supplement the information by descriptions or
22 photographs of the person to the media and the public through
23 the following:

24 "a. E-mail description.

25 "b. Post the missing ~~senior's~~ and endangered
26 person's photograph on the department's website.

1 "(4)a. Once the ~~senior~~ missing and endangered person
2 is found or the case is closed, the initiating law enforcement
3 agency shall notify the department which shall distribute a
4 media alert cancellation.

5 "b. Law enforcement officials shall notify other
6 agencies of the cancellation."

7 Section 2. This act shall become effective on the
8 first day of the third month following its passage and
9 approval by the Governor, or its otherwise becoming law.