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Chapter No. 422
10/HR40/R526SG
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# *HOUSE BILL NO. 664*

Originated in House Don Richardson Clerk

HOUSE BILL NO. 664

AN ACT TO CREATE THE MISSISSIPPI SILVER ALERT SYSTEM ACT OF 2010; TO PROVIDE CERTAIN DEFINITIONS; TO PROVIDE THE CRITERIA TO REQUEST AN ACTIVATION FOR A SILVER ALERT; TO PROVIDE THE CRITERIA FOR ACTIVATION OF A SILVER ALERT; TO PROVIDE CERTAIN DUTIES OF LOCAL LAW ENFORCEMENT AGENCIES AND THE DEPARTMENT OF PUBLIC SAFETY RELATING TO THE IMPLEMENTATION OF THE ACT; TO PROVIDE THE PROCEDURE THAT LAW ENFORCEMENT AGENCIES AND THE DEPARTMENT OF PUBLIC SAFETY MUST FOLLOW WHEN A MISSING PERSON CASE DOES NOT MEET THE SILVER ALERT CRITERIA; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** (1) This section shall be known and cited as the "Mississippi Silver Alert System Act of 2010."

(2) The Legislature finds that:

(a) Wandering is a common behavior among those persons with dementia or other cognitive impairments that causes great concern for the families and caregivers of this state;

(b) This state is not currently equipped with the systems necessary to locate those with dementia or other cognitive impairments in a timely manner, with the unfortunate result that some individuals are never returned home to their families; and

(c) It is imperative that this state develops a plan to ensure that if an individual with dementia or other cognitive impairments is missing, the appropriate infrastructure is available and can be easily and timely activated to protect the health and safety of these vulnerable citizens.

(3) When used in this act, unless the context requires a different definition, the following terms shall have the following meanings:

(a) "E911" means Enhanced Universal Emergency Number Service or Enhanced 911 Service, which is a telephone exchange

communications service by which a Public Safety Answering Point designated by the county or local communication district may receive telephone calls dialed to the telephone number 911.

(b) "First responders" means state and local law enforcement personnel, fire department personnel, emergency medical personnel, emergency management personnel and public works personnel who may be deployed to bioterrorism attacks, terrorist attacks, catastrophic or natural disasters and emergencies.

(c) "Originating local law enforcement agency" means a local police or sheriff's office that has jurisdiction over the area where a person became missing.

(4) (a) The Bureau of Investigation of the Department of Public Safety shall implement a statewide "Silver Alert System" that has the purpose of providing a tiered, rapid response system to notify the public about missing endangered adults, who are age 18 or older, with dementia or other cognitive impairments. The initial response may be local, statewide or national based on available information about the missing person.

(b) A Silver Alert activation request may be made only by a law enforcement agency, and the Bureau of Investigation of the Department of Public Safety may only activate a Silver Alert after a request is made.

(c) To activate a Silver Alert, all of the following criteria must be met:

(i) The missing adult, age 18 or older, is believed to have dementia or other cognitive impairments;

(ii) The person is believed to be missing and in imminent danger regardless of circumstance;

(iii) The family, legal caregiver or custodian of the missing person has submitted a missing person's report to the local law enforcement agency in the jurisdiction where the person became missing, with all waiting periods being waived; and

(iv) The law enforcement agency that has jurisdiction of where the person became missing reports the incident to the Bureau of Investigation of the Department of Public Safety through the Mississippi Highway Patrol Headquarters Communication Center.

(d) To initiate a request to activate a Silver Alert, the family, legal caregiver or custodian of the missing person must file immediately a report of the missing person with the local law enforcement agency where the person became missing that includes the following information:

(i) A description of the missing person including physical characteristics, clothing and photos, if available;

(ii) A description of the known circumstances under which the person became missing including the time, place, direction, possible destinations, whether the person is walking or in a vehicle, and all other pertinent information concerning where the person may have become missing; and

(iii) Updates on the missing person as new information becomes available.

(e) The originating local law enforcement agency, after completing the investigation expeditiously and determining that the case meets the qualifying criteria prescribed in this section, shall:

(i) Waive in the case of a Silver Alert, any waiting periods for a missing person's report in order to galvanize the appropriate communities rapidly to assist in the search for and the safe recovery of the missing person;

(ii) Notify the Mississippi Highway Patrol Headquarters Communication Center and electronically send to the center the completed Silver Alert forms and available photos, signed by the police chief, sheriff, commanding officer or his or her designee;

(iii) Enter the information into the National Crime Information Center (NCIC);

(iv) Using a tiered approach based on known circumstances, initiate an alert bulletin to all local law enforcement, E911 and first responder agencies to search the immediate area;

(v) Activate secondary alert systems to residents, businesses, and broadcast media in the immediate area;

(vi) Provide a twenty-four-hour phone number to receive calls while continuing the investigation; and

(vii) Update the family, legal caregiver or custodian of the missing person as new information becomes available.

(5) (a) After the Bureau of Investigation of the Department of Public Safety has been contacted by a local law enforcement agency requesting a Silver Alert activation, the Criminal Information Center shall consider before the activation of the Silver Alert procedures by the Silver Alert coordinator, or his or her designee, the information contained in the initial Silver Alert report form to ensure that it meets all criteria specified in subsection (4)(c) of this section. Elements of the missing person case to be considered are:

(i) Threat of imminent harm or death to the missing person because of age, health, mental or physical disability, environmental or weather conditions;

(ii) Time of initial report in relation to the time of disappearance, including whether the disappearance is unexplained, involuntary or is under suspicious circumstances;

(iii) Believed to be walking or in a vehicle;

(iv) Witness information;

(v) Possible domestic dispute involving the missing person; and

(vi) Other facts that indicate the missing person is in danger of serious injury or death, including whether there is possible criminal intent toward the missing person or whether someone witnessed the disappearance.

(b) Each case shall be reviewed on its own merits, and if there are extenuating circumstances, the required criteria in this section may be amended or expanded depending on the merits presented.

(c) Only the Silver Alert coordinator, or his or her designee, may authorize activation of a statewide Silver Alert and if an activation is authorized, the Criminal Information Center shall:

(i) Prepare an announcement concerning the missing person;

(ii) Contact the designated media stations to activate the alert; and

(iii) Request the Mississippi Department of Transportation to activate electronic signs, if appropriate.

(d) If the missing person is believed to be in a vehicle, the Silver Alert coordinator shall send information and available photos via emails and fax to the statewide communications systems, news media and other forms of public communication or electronic resources.

(6) (a) Following the initial alert, a Silver Alert broadcast shall be updated by television and radio stations as necessary until such time that an end of alert message is received from the law enforcement agency that requested the initial Silver Alert.

(b) Local and statewide broadcast stations shall exercise their own independent discretions as to whether to repeat the required broadcasts prescribed in this section more frequently and shall determine the frequency in which the alert is re-broadcast following the initial alert.

(c) The Silver Alert termination notification shall be issued twenty-four (24) hours after the airing of the latest and most current information or when the case has been resolved and verification from the originating local law enforcement agency has been received by the Department of Public Safety.

(7) (a) If the circumstances of a person's disappearance do not meet the criteria for a Silver Alert to activate statewide communication systems, the Bureau of Investigation of the Department of Public Safety may offer an alternate form of mass notification as provided in this section.

(b) The alternate form of mass notification may be an email that includes a photograph and the Silver Alert initial reporting form that is sent through a statewide network of law enforcement and first responder agencies, news media offices and other forms of public communication.

(c) The email authorized in subsection (2) of this section shall contain information taken from the Silver Alert initial reporting form that is submitted by the originating local law enforcement agency.

(d) The email alerting news media and law enforcement agencies of a person's disappearance that does not meet the criteria of a Silver Alert activation shall include the following paragraph at the beginning of the email:

"The (name of law enforcement agency) has requested the following information be provided to the Mississippi news media and law enforcement agencies: At the present time, information being provided to the Mississippi Department of Public Safety by the (name of law enforcement agency) does not meet the criteria to activate a Silver Alert. It is left to the discretion of each law enforcement agency and news department receiving this email as to whether the attached information, regarding the disappearance of this person

and/or the photograph of this person, will be released to the public."

(e) If further investigation into the disappearance produces evidence that may change the initial circumstances as reported to local law enforcement, the Department of Public Safety may reconsider activating a Silver Alert.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2010.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 4, 2010

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 3, 2010

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

GOVERNOR

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