

By: Representatives Holland, Stevens, Clark, Scott, Jones (111th), Gardner, Clarke, Myers To: Judiciary B

HOUSE BILL NO. 664
(As Sent to Governor)

1 AN ACT TO CREATE THE MISSISSIPPI SILVER ALERT SYSTEM ACT OF
2 2010; TO PROVIDE CERTAIN DEFINITIONS; TO PROVIDE THE CRITERIA TO
3 REQUEST AN ACTIVATION FOR A SILVER ALERT; TO PROVIDE THE CRITERIA
4 FOR ACTIVATION OF A SILVER ALERT; TO PROVIDE CERTAIN DUTIES OF
5 LOCAL LAW ENFORCEMENT AGENCIES AND THE DEPARTMENT OF PUBLIC SAFETY
6 RELATING TO THE IMPLEMENTATION OF THE ACT; TO PROVIDE THE
7 PROCEDURE THAT LAW ENFORCEMENT AGENCIES AND THE DEPARTMENT OF
8 PUBLIC SAFETY MUST FOLLOW WHEN A MISSING PERSON CASE DOES NOT MEET
9 THE SILVER ALERT CRITERIA; AND FOR RELATED PURPOSES.

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

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

13 (2) The Legislature finds that:

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

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

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

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

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



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

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

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

42 (4) (a) The Bureau of Investigation of the Department of
43 Public Safety shall implement a statewide "Silver Alert System"
44 that has the purpose of providing a tiered, rapid response system
45 to notify the public about missing endangered adults, who are age
46 18 or older, with dementia or other cognitive impairments. The
47 initial response may be local, statewide or national based on
48 available information about the missing person.

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

124 (iv) Witness information;

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



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

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

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

139 (i) Prepare an announcement concerning the missing
140 person;

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

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

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

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

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



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

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

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

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

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

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



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

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

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

