

By: Senator(s) McMahan

To: Judiciary, Division B

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2601

1 AN ACT TO CREATE THE MISSISSIPPI PINK ALERT SYSTEM ACT OF
2 2022; TO PROVIDE CERTAIN DEFINITIONS; TO PROVIDE THE CRITERIA TO
3 REQUEST AN ACTIVATION FOR A PINK ALERT; TO PROVIDE THE CRITERIA
4 FOR ACTIVATION OF A PINK ALERT; TO PROVIDE CERTAIN DUTIES OF LOCAL
5 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 PINK 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 may be cited
12 as the "Mississippi Pink Alert System Act of 2022."

13 (2) As used in this section, the following terms shall have
14 the meanings ascribed herein unless the context clearly requires
15 otherwise:

16 (a) "E911" means Enhanced Universal Emergency Number
17 Service or Enhanced 911 Service, which is a telephone exchange
18 communications service by which a Public Safety Answering Point
19 designated by the county or local communication district may
20 receive telephone calls dialed to the telephone number 911.



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

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

29 (3) (a) The Bureau of Investigation of the Department of
30 Public Safety shall implement a statewide "Pink Alert System" that
31 has the purpose of providing a tiered, rapid response system to
32 notify the public about missing endangered persons who are
33 suspected victims of sex trafficking. The initial response may be
34 local, statewide or national based on available information about
35 the missing person.

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

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

42 (i) The missing person is believed to have been a
43 victim of sex trafficking;

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



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

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

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

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

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

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

69 (e) The originating local law enforcement agency, after
70 completing the investigation expeditiously and determining that



71 the case meets the qualifying criteria prescribed in this section,
72 shall:

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

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

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

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

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

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

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



95 (4) (a) After the Bureau of Investigation of the Department
96 of Public Safety has been contacted by a local law enforcement
97 agency requesting a Pink Alert activation, the Criminal
98 Information Center shall consider before the activation of the
99 Pink Alert procedures by the Pink Alert coordinator, or his or her
100 designee, the information contained in the initial Pink Alert
101 report form to ensure that it meets all criteria specified in
102 subsection (3)(c) of this section. Elements of the missing person
103 case to be considered are:

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

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

110 (iii) Witness information;

111 (iv) Possible domestic dispute involving the
112 missing person; and

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

117 (b) Each case shall be reviewed on its own merits, and
118 if there are extenuating circumstances, the required criteria in



119 this section may be amended or expanded depending on the merits
120 presented.

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

125 (i) Prepare an announcement concerning the missing
126 person;

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

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

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

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

141 (b) Local and statewide broadcast stations shall
142 exercise their own independent discretions as to whether to repeat
143 the required broadcasts prescribed in this section more frequently



144 and shall determine the frequency in which the alert is
145 re-broadcast following the initial alert.

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

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

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

161 (c) The email authorized in paragraph (b) of this
162 subsection (6) shall contain information taken from the Pink Alert
163 initial reporting form that is submitted by the originating local
164 law enforcement agency.

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



169 "The (name of law enforcement agency) has requested the
170 following information be provided to the Mississippi
171 news media and law enforcement agencies: At the
172 present time, information being provided to the
173 Mississippi Department of Public Safety by the (name of
174 law enforcement agency) does not meet the criteria to
175 activate a Pink Alert. It is left to the discretion of
176 each law enforcement agency and news department
177 receiving this email as to whether the attached
178 information, regarding the disappearance of this person
179 and/or the photograph of this person, will be released
180 to the public."

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

185 **SECTION 2.** This act shall take effect and be in force from
186 and after July 1, 2022.

