

By: Senator(s) McMahan

To: Judiciary, Division B

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 cited as the
 12 "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 female children, who
33 are age thirteen (13) years to seventeen (17) years, who are
34 suspected victims of sex trafficking. The initial response may be
35 local, statewide or national based on available information about
36 the missing person.

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

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

43 (i) The missing female child, age thirteen (13)
44 years old to seventeen (17) years old, is believed to have been a
45 victim of sex trafficking;



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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

112 (iii) Witness information;

113 (iv) Possible domestic dispute involving the
114 missing person; and

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



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

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

127 (i) Prepare an announcement concerning the missing
128 person;

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

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

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

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



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

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

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

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

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



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

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

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

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

