

By: Representative Shanks

To: Judiciary B

HOUSE BILL NO. 756

1 AN ACT TO CREATE THE MISSING PERSONS REPORTING AND
2 IDENTIFICATION ACT; TO REQUIRE LOCAL LAW ENFORCEMENT AGENCIES TO
3 ACCEPT A REPORT OF A MISSING PERSON; TO PERMIT LOCAL LAW
4 ENFORCEMENT AGENCIES TO ATTEMPT TO OBTAIN DNA OF THE MISSING
5 PERSON OR A REFERENCE SAMPLE FROM A FAMILY'S MEMBER'S DNA TO BE
6 SUBMITTED TO THE NATIONAL MISSING AND UNIDENTIFIED PERSONS SYSTEM
7 (NAMUS) AND THE MISSISSIPPI FORENSIC DNA IDENTIFICATION SYSTEM OR
8 THE NATIONAL DNA IDENTIFICATION SYSTEM; TO PROHIBIT A LOCAL LAW
9 ENFORCEMENT AGENCY FROM ACCEPTING A MISSING PERSON REPORT; TO
10 REQUIRE LOCAL LAW ENFORCEMENT AGENCIES TO ACCEPT MISSING PERSON
11 REPORTS IN PERSON; TO PROVIDE FOR THE INFORMATION THE LOCAL LAW
12 ENFORCEMENT AGENCY SHALL ATTEMPT TO GATHER REGARDING THE MISSING
13 PERSON'S DISAPPEARANCE; TO REQUIRE THE LOCAL LAW ENFORCEMENT
14 AGENCY TO GENERATE A REPORT OF THE MISSING PERSON WITHIN THE
15 NATIONAL MISSING AND UNIDENTIFIED PERSONS SYSTEM (NAMUS) IF THE
16 PERSON IDENTIFIED REPORT REMAINS MISSING AFTER FIVE DAYS, BUT NOT
17 MORE THAN FIFTEEN DAYS; TO DEFINE THE TERM "HIGH-RISK MISSING
18 PERSON" AND THE PROCEDURES TO BE FOLLOWED BY LOCAL LAW ENFORCEMENT
19 AGENCIES TO ENSURE THAT THOSE PERSONS ARE INPUT IN THE NATIONAL
20 MISSING AND UNIDENTIFIED PERSONS SYSTEM (NAMUS); TO REQUIRE THE
21 MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY TO ESTABLISH PROCEDURES
22 FOR DETERMINING HOW TO PRIORITIZE ANALYSIS OF THE SAMPLES RELATING
23 TO MISSING PERSON CASES; TO REQUIRE THE MISSISSIPPI DEPARTMENT OF
24 PUBLIC SAFETY TO IMMEDIATELY NOTIFY ALL LOCAL LAW ENFORCEMENT
25 AGENCIES WITHIN THIS STATE AND THE SURROUNDING REGION OF
26 INFORMATION THAT WILL AID IN THE PROMPT LOCATION AND SAFE RETURN
27 OF HIGH RISK MISSING PERSONS; TO BRING FORWARD SECTIONS 43-15-401
28 AND 45-41-1, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE
29 AMENDMENTS; AND FOR RELATED PURPOSES.

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



31 **SECTION 1.** This act shall be known and may be cited as the
32 Missing Persons Reporting and Identification Act.

33 **SECTION 2.** (1) All local law enforcement agencies shall
34 accept without delay any report of a missing person and may
35 attempt to obtain a DNA sample from the missing person or a DNA
36 reference sample created from family members' DNA samples for
37 submission under Section 3(3)(a) of this act. Acceptance of a
38 missing person report filed in person may not be refused on any
39 ground. No local law enforcement agency may refuse to accept a
40 missing person report:

41 (a) On the basis that the missing person is an adult;

42 (b) On the basis that the circumstances do not indicate
43 foul play;

44 (c) On the basis that the person has been missing for a
45 short period of time;

46 (d) On the basis that the person has been missing a
47 long period of time;

48 (e) On the basis that there is no indication that the
49 missing person was in the jurisdiction served by the local law
50 enforcement agency at the time of the disappearance;

51 (f) On the basis that the circumstances suggest that
52 the disappearance may be voluntary;

53 (g) On the basis that the reporting individual does not
54 have personal knowledge of the facts;



55 (h) On the basis that the reporting individual cannot
56 provide all of the information requested by the local law
57 enforcement agency;

58 (i) On the basis that the reporting individual lacks a
59 familial or other relationship with the missing person;

60 (j) On the basis of the missing person's mental state
61 or medical condition; or

62 (k) For any other reason.

63 (2) All local law enforcement agencies shall accept missing
64 person reports in person. Local law enforcement agencies are
65 encouraged to accept reports by phone or by electronic or other
66 media to the extent that such reporting is consistent with law
67 enforcement policies or practices.

68 (3) In accepting a report of a missing person, the local law
69 enforcement agency shall attempt to gather relevant information
70 relating to the disappearance. The local law enforcement agency
71 shall attempt to gather at the time of the report information that
72 shall include, but shall not be limited to, the following:

73 (a) The name of the missing person, including
74 alternative names used;

75 (b) The missing person's date of birth;

76 (c) The missing person's identifying marks, such as
77 birthmarks, moles, tattoos, and scars;

78 (d) The missing person's height and weight;

79 (e) The missing person's gender;



- 80 (f) The missing person's race;
- 81 (g) The missing person's current hair color and true or
82 natural hair color;
- 83 (h) The missing person's eye color;
- 84 (i) The missing person's prosthetics, surgical
85 implants, or cosmetic implants;
- 86 (j) The missing person's physical anomalies;
- 87 (k) The missing person's blood type, if known;
- 88 (l) The missing person's driver's license number, if
89 known;
- 90 (m) The missing person's social security number, if
91 known;
- 92 (n) A photograph of the missing person; recent
93 photographs are preferable and the agency is encouraged to attempt
94 to ascertain the approximate date the photograph was taken;
- 95 (o) A description of the clothing the missing person
96 was believed to be wearing;
- 97 (p) A description of items that might be with the
98 missing person, such as jewelry, accessories, and shoes or boots;
- 99 (q) Information on the missing person's electronic
100 communications devices, such as cellular telephone numbers and
101 e-mail addresses;
- 102 (r) The reasons why the reporting individual believes
103 that the person is missing;



104 (s) The name and location of the missing person's
105 school or employer, if known;

106 (t) The name and location of the missing person's
107 dentist or primary care physician or provider, or both, if known;

108 (u) Any circumstances that may indicate that the
109 disappearance was not voluntary;

110 (v) Any circumstances that may indicate that the
111 missing person may be at risk of injury or death;

112 (w) A description of the possible means of
113 transportation of the missing person, including make, model,
114 color, license number, and Vehicle Identification Number of a
115 vehicle;

116 (x) Any identifying information about a known or
117 possible abductor or person last seen with the missing person, or
118 both, including:

119 (i) Name;

120 (ii) A physical description;

121 (iii) Date of birth;

122 (iv) Identifying marks;

123 (v) The description of possible means of
124 transportation, including make, model, color, license number and
125 Vehicle Identification Number of a vehicle;

126 (vi) Known associates;

127 (y) Any other information that may aid in locating the
128 missing person; and



129 (z) The date of last contact.

130 (4) (a) The local law enforcement agency shall notify the
131 person making the report, a family member or other person in a
132 position to assist the local law enforcement agency in its efforts
133 to locate the missing person of the following:

134 (i) General information about the handling of the
135 missing person case or about intended efforts in the case to the
136 extent that the local law enforcement agency determines that
137 disclosure would not adversely affect its ability to locate or
138 protect the missing person or to apprehend or prosecute any person
139 criminally involved in the disappearance;

140 (ii) That the person should promptly contact the
141 local law enforcement agency if the missing person remains missing
142 in order to provide additional information and materials that will
143 aid in locating the missing person such as the missing person's
144 credit cards, debit cards, banking information, and cellular
145 telephone records; and

146 (iii) That any DNA samples provided for the
147 missing person case are provided on a voluntary basis and will be
148 used solely to help locate or identify the missing person and will
149 not be used for any other purpose.

150 (b) The local law enforcement agency, upon acceptance
151 of a missing person report, shall inform the reporting citizen of
152 one (1) of two (2) resources, based upon the age of the missing
153 person. If the missing person is under eighteen (18) years of



154 age, contact information for the National Center for Missing and
155 Exploited Children shall be given. If the missing person is age
156 eighteen (18) or older, contact information for the National
157 Missing and Unidentified Persons System (NaMUS) organization shall
158 be given.

159 (c) The local law enforcement agency is encouraged to
160 make available informational materials, through publications or
161 electronic or other media, that advise the public about how the
162 information or materials identified in this subsection are used to
163 help locate or identify missing persons.

164 (d) If the person identified in the missing person
165 report remains missing after five (5) days, but not more than
166 fifteen (15) days, the local law enforcement agency shall generate
167 a report of the missing person within the National Missing and
168 Unidentified Persons System (NaMUS), and the local law enforcement
169 agency shall attempt to obtain the additional information and
170 materials that have not been received, specified below:

171 (i) DNA samples from family members or from the
172 missing person along with any needed documentation, or both,
173 including any consent forms, required for the use of state or
174 federal DNA databases, including, but not limited to, the State of
175 Mississippi Forensics Laboratory DNA Identification System,
176 National DNA Identification System (NDIS), and National Missing
177 and Unidentified Persons System (NaMUS) partner laboratories;

178 (ii) An authorization to release dental or



179 skeletal x-rays of the missing person;

180 (iii) Any additional photographs of the missing
181 person that may aid the investigation or an identification; the
182 local law enforcement agency is not required to obtain written
183 authorization before it releases publicly any photograph that
184 would aid in the investigation or identification of the missing
185 person;

186 (iv) Dental information and x-rays; and

187 (v) Fingerprints.

188 (e) Samples collected for DNA analysis may be
189 submitted to a National Missing and Unidentified Persons System
190 (NaMUS) partner laboratory or other resource where DNA profiles
191 are entered into local, state, and national DNA identification
192 systems within fifteen (15) days. The Mississippi Department of
193 Public Safety shall establish procedures for determining how to
194 prioritize analysis of the samples relating to missing person
195 cases. All DNA samples obtained in missing person cases from
196 family members of the missing person may not be retained after the
197 location or identification of the remains of the missing person
198 unless there is a search warrant signed by a court of competent
199 jurisdiction.

200 (f) This subsection shall not be interpreted to
201 preclude a local law enforcement agency from attempting to obtain
202 the materials identified in this subsection before the expiration
203 of the thirty-day period. The responsible local law enforcement



204 agency may make a National Missing and Unidentified Persons System
205 (NaMUS) report on the missing person within fifteen (15) days
206 after the report of the disappearance of the missing person.

207 (g) Local law enforcement agencies are encouraged to
208 establish written protocols for the handling of missing person
209 cases to accomplish the purposes of this act.

210 **SECTION 3.** (1) For purposes of this section, the term
211 "high-risk missing person" means a person whose whereabouts are
212 not currently known and whose circumstances indicate that the
213 person may be at risk of injury or death. The circumstances that
214 indicate that a person is a high-risk missing person include, but
215 are not limited to, any of the following:

216 (a) The person is missing as a result of a stranger
217 abduction;

218 (b) The person is missing under suspicious
219 circumstances;

220 (c) The person is missing under unknown circumstances;

221 (d) The person is missing under known dangerous
222 circumstances;

223 (e) The person is missing more than five (5) days;

224 (f) The person has already been designated as a
225 high-risk missing person by another local law enforcement agency;

226 (g) There is evidence that the person is at risk
227 because:



228 (i) The person is in need of medical attention,
229 including, but not limited to, persons with dementia-like
230 symptoms, or prescription medication;

231 (ii) The person does not have a pattern of running
232 away or disappearing;

233 (iii) The person may have been abducted by a
234 noncustodial parent;

235 (iv) The person is mentally impaired, including,
236 but not limited to, a person having a developmental disability or
237 a person having an intellectual disability, as defined in Section
238 41-21-61;

239 (v) The person is under the age of twenty-one
240 (21);

241 (vi) The person has been the subject of past
242 threats or acts of violence;

243 (vii) The person has eloped from a nursing home;

244 (h) The person is a veteran or active duty member of
245 the United States Armed Forces, the National Guard or any reserve
246 component of the United States Armed Forces who is believed to
247 have a physical or mental health condition that is related to his
248 or her service; or

249 (i) Any other factor that may, in the judgment of the
250 law enforcement official, indicate that the missing person may be
251 at risk.



252 (2) (a) Upon initial receipt of a missing person report,
253 the local law enforcement agency shall immediately determine
254 whether there is a basis to determine that the missing person is a
255 high-risk missing person.

256 (b) If a local law enforcement agency has previously
257 determined that a missing person is not a high-risk missing
258 person, but obtains new information, it shall immediately
259 determine whether the information indicates that the missing
260 person is a high-risk missing person.

261 (c) Local law enforcement agencies are encouraged to
262 establish written protocols for the handling of missing person
263 cases to accomplish the purposes of this act.

264 (3) (a) The responding local law enforcement agency shall
265 immediately enter all collected information relating to the
266 missing person case in the local law enforcement agency's data
267 system and in the National Crime Information Center (NCIC)
268 databases and the National Missing and Unidentified Persons System
269 (NaMUS) within ten (10) days after the receipt of the report, or
270 in the case of a high-risk missing person, within five (5) days
271 after the receipt of the report. If the DNA sample submission is
272 to a National Missing and Unidentified Persons System (NaMUS)
273 partner laboratory, the DNA profile may be uploaded by the partner
274 laboratory to the National DNA Identification System (NDIS). A
275 packet submission of all relevant reports and DNA samples may be
276 sent to the National Missing and Unidentified Persons System



277 (NaMUS) within five (5) days for any high-risk missing person
278 cases. The information shall be provided in accordance with
279 applicable guidelines relating to the databases. The information
280 shall be entered as follows:

281 (i) If the Mississippi Department of Public Safety
282 laboratories are utilized in lieu of National Missing and
283 Unidentified Persons System (NaMUS) partner laboratories, all
284 appropriate DNA profiles, as determined by the Mississippi
285 Department of Public Safety, shall be uploaded into the missing
286 person databases of the State of Mississippi Forensics Laboratory
287 DNA Identification System and National DNA identification system
288 (NDIS) after completion of the DNA analysis and other procedures
289 required for database entry. The responding local law enforcement
290 agency may submit any DNA samples voluntarily obtained from family
291 members to a National Missing and Unidentified Persons System
292 (NaMUS) partner laboratory for DNA analysis within fifteen (15)
293 days. A notation of DNA submission may be made within the
294 National Missing and Unidentified Persons System (NaMUS) record.

295 (ii) Information relevant to the Federal Bureau of
296 Investigation's Violent Criminal Apprehension Program shall be
297 entered as soon as possible.

298 (iii) The Mississippi Department of Public Safety
299 shall ensure that persons entering data relating to medical or
300 dental records in state or federal databases are specifically
301 trained to understand and correctly enter the information sought



302 by these databases. The Mississippi Department of Public Safety
303 shall either use a person with specific expertise in medical or
304 dental records for this purpose or consult with a chief medical
305 examiner, forensic anthropologist or odontologist to ensure the
306 accuracy and completeness of information entered into the state
307 and federal databases.

308 (b) The Mississippi Department of Public Safety shall
309 immediately notify all local law enforcement agencies within this
310 state and the surrounding region of the information that will aid
311 in the prompt location and safe return of the high-risk missing
312 person.

313 (c) The local law enforcement agencies that receive the
314 notification from the Mississippi Department of Public Safety
315 shall notify officers to be on the lookout for the missing person
316 or a suspected abductor.

317 (d) Pursuant to any applicable state criteria, local
318 law enforcement agencies shall also provide for the prompt use of
319 an Amber Alert in cases involving missing or abducted children as
320 authorized under Section 43-15-401, the Silver Alert System as
321 authorized under Section 45-41-1, or use of the Endangered Missing
322 Person Advisory in appropriate high-risk cases.

323 **SECTION 4.** Section 43-15-401, Mississippi Code of 1972, is
324 brought forward as follows:

325 43-15-401. (1) Law enforcement agencies in this state shall
326 adopt written policies that specify the procedures to be used to



327 investigate reports of missing children. The policies must ensure
328 that cases involving missing children are investigated promptly
329 using appropriate resources and are in compliance with the
330 requirements of this section and 42 USCS Sections 5779 and 5780.

331 The policies must include:

332 (a) Procedures for accepting and filing missing child
333 reports;

334 (b) Procedures for initiating, maintaining, closing or
335 referring a missing child investigation;

336 (c) Procedures for the prompt and open transfer of
337 information where multiple jurisdictions and agencies are involved
338 in the investigation; and

339 (d) Standards for maintaining and clearing data
340 concerning a missing child that is stored in the National Crime
341 Information Center. The standards must require, at a minimum, a
342 monthly review of each case and a determination of whether the
343 case should be maintained in the database.

344 (2) A law enforcement agency shall not adopt rules,
345 regulations or policies that prohibit or discourage the filing of
346 a report or the taking of any action on a report that a child is a
347 missing child or that a child is believed to be a missing child.
348 For purposes of this section and in compliance with federal law, a
349 runaway child is a missing child and shall not be excluded as such
350 based solely on the fact the child has voluntarily absented
351 himself from his normal place of residence.



352 (3) A law enforcement agency shall not establish a mandatory
353 waiting period before accepting a missing child report and
354 beginning an investigation to locate a missing child.

355 (4) An entry concerning a missing child may not be removed
356 from the National Crime Information Center database based solely
357 on the age of the missing child.

358 (5) Upon receiving a report that a child is missing, the law
359 enforcement agency having jurisdiction shall immediately:

360 (a) File a report or cause a report to be filed in the
361 county or municipality where the child resides or in which the
362 child was last seen or both. Nothing in this subsection (5) shall
363 preclude a law enforcement agency from accepting a missing child
364 report when jurisdiction cannot be determined;

365 (b) Institute or assist with appropriate search and
366 investigative procedures;

367 (c) Inform all on-duty law enforcement officers within
368 the agency of the missing child report; and

369 (d) Transmit the report for inclusion within the
370 National Crime Information Center database within the time frame
371 required by federal law. Law enforcement agencies having the duty
372 to enter the missing child report into the National Crime
373 Information Center database shall provide any information required
374 by the National Crime Information Center to effectuate the purpose
375 of this section.



376 (6) Upon receiving a missing child report, as provided in
377 subsection (5) of this section, the law enforcement agency that
378 entered the report into the National Crime Information Center
379 shall:

380 (a) No later than five (5) days after the original
381 entry of the record into the National Crime Information Center
382 computer networks, verify and update such record with any
383 additional information, including, where available, medical and
384 dental records and a photograph taken during the previous ninety
385 (90) days;

386 (b) Notify the National Center for Missing and
387 Exploited Children of each report received relating to a missing
388 foster child.

389 (7) Upon receiving a missing child report, the law
390 enforcement agency shall consider whether the circumstances under
391 which the child went missing satisfy the criteria necessary for
392 the issuance of an Amber Alert and, where applicable, shall
393 immediately submit to the Mississippi Bureau of Investigation all
394 required paperwork and documents necessary to request the issuance
395 of an Amber Alert.

396 (8) Any person or institution reporting, in good faith, a
397 child to be missing shall be immune from any liability, civil or
398 criminal, that might otherwise be incurred or imposed.

399 **SECTION 5.** Section 45-41-1, Mississippi Code of 1972, is
400 brought forward as follows:



401 45-41-1. (1) This section shall be known and cited as the
402 "Mississippi Silver Alert System Act of 2010."

403 (2) The Legislature finds that:

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

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

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

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

419 (a) "E911" means Enhanced Universal Emergency Number
420 Service or Enhanced 911 Service, which is a telephone exchange
421 communications service by which a Public Safety Answering Point
422 designated by the county or local communication district may
423 receive telephone calls dialed to the telephone number 911.

424 (b) "First responders" means state and local law
425 enforcement personnel, fire department personnel, emergency



426 medical personnel, emergency management personnel and public works
427 personnel who may be deployed to bioterrorism attacks, terrorist
428 attacks, catastrophic or natural disasters and emergencies.

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

432 (4) (a) The Bureau of Investigation of the Department of
433 Public Safety shall implement a statewide "Silver Alert System"
434 that has the purpose of providing a tiered, rapid response system
435 to notify the public about missing endangered adults, who are age
436 18 or older, with dementia or other cognitive impairments. The
437 initial response may be local, statewide or national based on
438 available information about the missing person.

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

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

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

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

449 (iii) The family, legal caregiver or custodian of
450 the missing person has submitted a missing person's report to the



451 local law enforcement agency in the jurisdiction where the person
452 became missing, with all waiting periods being waived; and

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

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

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

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

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

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



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

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

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

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

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

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

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

498 (5) (a) After the Bureau of Investigation of the Department
499 of Public Safety has been contacted by a local law enforcement
500 agency requesting a Silver Alert activation, the Criminal



501 Information Center shall consider before the activation of the
502 Silver Alert procedures by the Silver Alert coordinator, or his or
503 her designee, the information contained in the initial Silver
504 Alert report form to ensure that it meets all criteria specified
505 in subsection (4)(c) of this section. Elements of the missing
506 person case to be considered are:

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

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

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

514 (iv) Witness information;

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

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

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



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

529 (i) Prepare an announcement concerning the missing
530 person;

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

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

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

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

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



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

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

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

565 (c) The email authorized in paragraph (b) of this
566 subsection (7) shall contain information taken from the Silver
567 Alert initial reporting form that is submitted by the originating
568 local law enforcement agency.

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

573 "The (name of law enforcement agency) has requested the
574 following information be provided to the Mississippi



575 news media and law enforcement agencies: At the present
576 time, information being provided to the Mississippi
577 Department of Public Safety by the (name of law
578 enforcement agency) does not meet the criteria to
579 activate a Silver Alert. It is left to the discretion
580 of each law enforcement agency and news department
581 receiving this email as to whether the attached
582 information, regarding the disappearance of this person
583 and/or the photograph of this person, will be released
584 to the public."

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

589 **SECTION 6.** This act shall take effect and be in force from
590 and after July 1, 2023.

