

By: Representatives Mansell, Harris, Hurst,
Lott, McMillan, Remak, Varner, Waldo, Nelson,
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To: Judiciary B

HOUSE BILL NO. 873

1 AN ACT TO CREATE NEW SECTION 45-41-3, MISSISSIPPI CODE OF
2 1972, TO ESTABLISH THE PURPLE ALERT AS AN ADDITIONAL MEANS TO
3 ENGAGE THE PUBLIC IN THE SEARCH OF A MISSING PERSON; TO AUTHORIZE
4 A LOCAL LAW ENFORCEMENT AGENCY TO ACTIVATE A PURPLE ALERT,
5 NOTWITHSTANDING THE EXISTENCE OF AN ACTIVE SILVER ALERT OR AMBER
6 ALERT, FOR MISSING PERSONS HAVING A COGNITIVE DISABILITY THAT IS
7 NOT DEMENTIA-RELATED; TO AUTHORIZE THE BROADCASTING OF INFORMATION
8 RELATING TO A MISSING PERSON'S CASE TO THE LOCAL MEDIA AND
9 NOTIFICATION SUBSCRIBERS IN THE AREA IN WHICH THE MISSING PERSON
10 IS BELIEVED TO BE LOCATED; TO AMEND SECTION 45-41-1, MISSISSIPPI
11 CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR
12 RELATED PURPOSES.

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

14 **SECTION 1.** The following shall be codified as Section
15 45-41-3, Mississippi Code of 1972:

16 45-41-3. (1) In addition to the statewide Silver Alert
17 System required under Section 45-41-1 and the Amber Alert System
18 operated by the Mississippi Bureau of Investigation of the
19 Department of Public Safety, there is established the Purple Alert
20 as a standardized system to be used by local law enforcement
21 agencies to aid in the search of a missing person. A Purple Alert
22 may be in addition to: an active Amber Alert; an active Silver
23 Alert; or any mass notification provided by email regarding a



24 person's disappearance that does not meet the criteria for a
25 Silver Alert, as authorized under Section 45-41-1(7).

26 (2) At a minimum, a Purple Alert must:

27 (a) Be determined by a local law enforcement agency, in
28 an emergency situation, to be a viable means by which a missing
29 person is likely to be returned to safety;

30 (b) Provide, to the greatest extent possible, for the
31 protection of the privacy, dignity and independence of the missing
32 person by including standards aimed at preventing the inadvertent
33 or unnecessary broadcasting or dissemination of sensitive health
34 and diagnostic information;

35 (c) Limit the broadcasting and dissemination of alerts
36 and related information to the geographic areas where the missing
37 person could reasonably be, considering the person's circumstances
38 and physical and mental condition, the potential modes of
39 transportation available to the person or suspected to be
40 involved, and the known or suspected circumstances of the person's
41 disappearance; and

42 (d) Be activated only when a law enforcement agency
43 receives a report of a missing person which includes the
44 information required under Section 45-41-1(4) (d).

45 (3) Under a Purple Alert, a local law enforcement agency may
46 broadcast information concerning a missing person:

47 (a) Who has: a mental or cognitive disability that is
48 not Alzheimer's disease or a dementia-related disorder; an



49 intellectual disability or a developmental disability; a brain
50 injury; another physical, mental or emotional disability that is
51 not related to substance abuse; or a combination of any of these;

52 (b) Whose disappearance indicates a credible threat of
53 immediate danger or serious bodily harm to himself or herself, as
54 determined by the local law enforcement agency; and

55 (c) Who most likely cannot be returned to safety
56 without law enforcement intervention.

57 (4) If a Purple Alert is determined to be necessary and
58 appropriate, the local law enforcement agency having jurisdiction
59 must notify the media and persons who have subscribed to receive
60 alert notifications in the jurisdiction or jurisdictions where the
61 missing person may be located. The law enforcement agency also
62 must report the person missing to the Mississippi Bureau of
63 Investigation of the Department of Public Safety.

64 (5) The Purple Alert system must include procedures to
65 monitor the use, activation and results of alerts and a strategy
66 for informing and educating law enforcement, the media and other
67 stakeholders concerning the alert.

68 (6) A local law enforcement agency may activate a Purple
69 Alert notwithstanding the existence of an active Silver Alert or
70 Amber Alert for the same missing person if the agency determines
71 that a Purple Alert may improve the chances of finding the person.

72 **SECTION 2.** Section 45-41-1, Mississippi Code of 1972, is
73 amended as follows:



74 45-41-1. (1) This section shall be known and cited as the
75 "Mississippi Silver Alert System Act of 2010."

76 (2) The Legislature finds that:

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

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

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

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

92 (a) "E911" means Enhanced Universal Emergency Number
93 Service or Enhanced 911 Service, which is a telephone exchange
94 communications service by which a Public Safety Answering Point
95 designated by the county or local communication district may
96 receive telephone calls dialed to the telephone number 911.

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



99 medical personnel, emergency management personnel and public works
100 personnel who may be deployed to bioterrorism attacks, terrorist
101 attacks, catastrophic or natural disasters and emergencies.

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

105 (4) (a) The Bureau of Investigation of the Department of
106 Public Safety shall implement a statewide "Silver Alert System"
107 that has the purpose of providing a tiered, rapid response system
108 to notify the public about missing endangered adults, who are age
109 18 or older, with dementia or other cognitive impairments. The
110 initial response may be local, statewide or national based on
111 available information about the missing person.

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

187 (iv) Witness information;

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

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

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



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

202 (i) Prepare an announcement concerning the missing
203 person;

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

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

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

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

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



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

228 (7) (a) If the circumstances of a person's disappearance do
229 not meet the criteria for a Silver Alert to activate statewide
230 communication systems, in addition to a local law enforcement
231 agency activating a Purple Alert, the Bureau of Investigation of
232 the Department of Public Safety may offer an alternate form of
233 mass notification as provided in this section.

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

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

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



247 "The (name of law enforcement agency) has requested the
248 following information be provided to the Mississippi
249 news media and law enforcement agencies: At the
250 present time, information being provided to the
251 Mississippi Department of Public Safety by the (name of
252 law enforcement agency) does not meet the criteria to
253 activate a Silver Alert. It is left to the discretion
254 of each law enforcement agency and news department
255 receiving this email as to whether the attached
256 information, regarding the disappearance of this person
257 and/or the photograph of this person, will be released
258 to the public."

259 (e) If further investigation into the disappearance
260 produces evidence that may change the initial circumstances as
261 reported to local law enforcement, the Department of Public Safety
262 may reconsider activating a Silver Alert notwithstanding the
263 existence of an active Purple Alert previously initiated by a
264 local law enforcement agency.

265 **SECTION 3.** This act shall take effect and be in force from
266 and after July 1, 2024.

