

1 SB12
2 203429-5
3 By Senator Smitherman
4 RFD: Governmental Affairs
5 First Read: 04-FEB-20
6 PFD: 12/19/2019

1 SB12

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4 ENROLLED, An Act,

5 Relating to missing and endangered persons; to amend
6 Sections 26-19A-1, 26-19A-2, 26-19A-3, 26-19A-4, and 26-19A-5,
7 Code of Alabama 1975, to expand existing law to include
8 missing and endangered persons living with a mental or
9 physical disability who are at risk of bodily harm or death.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Sections 26-19A-1, 26-19A-2, 26-19A-3,
12 26-19A-4, and 26-19A-5, Code of Alabama 1975, are amended to
13 read as follows:

14 "§26-19A-1.

15 "This chapter shall be known and may be cited as the
16 Missing ~~Senior Citizen~~ and Endangered Persons Alert Act.

17 "§26-19A-2.

18 "The Missing ~~Senior Citizen~~ and Endangered Persons
19 Alert Act is enacted for the following purposes:

20 "(1) To provide a rapid response to missing or lost
21 ~~senior citizens~~ persons living with a mental disability,
22 physical disability, Alzheimer's disease, dementia, or autism
23 and are at risk of bodily harm or death ~~or persons suffering~~
24 ~~from Alzheimer's disease or dementia.~~

1 "(2) To gain the voluntary assistance of the
2 broadcast media to help locate missing ~~senior citizens~~ and
3 endangered persons.

4 "§26-19A-3.

5 "When used in this chapter, the following words and
6 terms shall have the following meanings:

7 "~~(1) ACJIC. The Alabama Criminal Justice Information~~
8 ~~Center.~~

9 "~~(2)~~ (1) BROADCASTER. Any entity that is engaged in
10 the business of broadcasting video or audio programs, whether
11 through the public airwaves, by cable, by direct or indirect
12 satellite transmissions, or by any other means of
13 communication.

14 "~~(3)~~ (2) DEPARTMENT. The Alabama State Law
15 Enforcement Agency.

16 "~~(4)~~ (3) MISSING SENIOR CITIZEN AND ENDANGERED
17 PERSONS ALERT. A voluntary program entered into by the
18 department and other local and state law enforcement agencies
19 and the Alabama Association of Broadcasters and broadcasters
20 licensed to serve in the state, which provides that if the
21 department verifies that a ~~senior citizen~~ person living with a
22 mental disability, physical disability, Alzheimer's disease,
23 dementia, or autism is missing or lost and in danger, a media
24 alert is transmitted. The broadcasters participating in the
25 program then ~~issue a~~ distribute the media alert.

1 "§26-19A-4.

2 "(a) A missing ~~senior citizen~~ and endangered persons
3 alert shall be activated by the department when a ~~citizen~~
4 person is reported missing and an investigation reveals the
5 following:

6 "(1) The ~~citizen~~ person is living with a mental
7 disability, physical disability, Alzheimer's disease,
8 dementia, or autism and is at risk of bodily harm or death,~~or~~
9 ~~suffers from Alzheimer's disease or dementia. An alert may be~~
10 ~~issued for a person suffering from Alzheimer's disease or~~
11 ~~dementia regardless of age.~~

12 "(2) There is enough descriptive information about
13 the ~~senior or person suffering from~~ living with Alzheimer's
14 ~~disease or dementia~~ a mental disability, physical disability,
15 Alzheimer's disease, dementia, or autism and at risk of bodily
16 harm or death to believe an immediate media alert would help
17 investigators locate the person. For persons ~~suffering from~~
18 ~~living with Alzheimer's disease or dementia~~ a mental
19 disability, physical disability, Alzheimer's disease,
20 dementia, or autism, a statement from a caregiver that the
21 missing person ~~suffers from~~ lives with either disease a mental
22 disability, physical disability, Alzheimer's disease,
23 dementia, or autism shall be considered sufficient proof of
24 the ~~disease~~ mental disability, physical disability,
25 Alzheimer's disease, dementia, or autism.

1 "(b) A report of a missing ~~senior citizen or missing~~
2 ~~person suffering from Alzheimer's disease or dementia~~ and
3 endangered person may be made by a local law enforcement
4 agency to the department as soon as a concerned party or
5 caregiver believes the person to be missing and the
6 originating local law enforcement agency has entered
7 identifying and descriptive information about the missing and
8 endangered person to the Alabama Center for Missing and
9 Exploited Children and to the National Crime Information
10 Center pursuant to Section 26-19-7. Upon the submission of the
11 report, a search in the missing and endangered person's local
12 area may begin immediately, and the department may expand the
13 search to include areas outside of the missing and endangered
14 person's local area if needed.

15 "(c) The department and local law enforcement
16 agencies shall require law enforcement officers and other
17 emergency personnel to complete first responder training for
18 missing persons with Alzheimer's disease or other forms of
19 dementia, if such training is available through the
20 department, the Alabama Peace Officers' Standards and Training
21 Commission, or the free training and certification program
22 offered by the Alzheimer's Association. If a missing and
23 endangered person report is made for a person ~~suffering from~~
24 living with Alzheimer's disease or dementia, the department
25 and local law enforcement agencies shall utilize, if

1 available, personnel who have participated in this training to
2 assist in conducting the search.

3 "§26-19A-5.

4 "Once a determination has been made to activate the
5 missing ~~senior citizen~~ and endangered person media alert, the
6 ~~originating agency~~ department shall do the following:

7 "(1) Issue a local media alert via E-mail ~~and fax~~
8 indicating that a ~~senior citizen~~ person living with a mental
9 disability, physical disability, Alzheimer's disease,
10 dementia, or autism is missing and believed to be in danger.

11 "(2) Prepare and send via E-mail ~~and fax~~ the
12 information and description of the missing ~~senior~~ and
13 endangered person to the media in the appropriate area.

14 "(3) Supplement the information by descriptions or
15 photographs of the person to the media and the public through
16 the following:

17 "a. E-mail description.

18 "b. Post the missing ~~senior's~~ and endangered
19 person's photograph on the department's website.

20 "(4)a. Once the ~~senior~~ missing and endangered person
21 is found or the case is closed, the initiating law enforcement
22 agency shall notify the department which shall distribute a
23 media alert cancellation.

24 "b. Law enforcement officials shall notify other
25 agencies of the cancellation."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB12
Senate 13-FEB-20
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 10-MAR-20

By: Senator Smitherman