

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 2030

By: Steele

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to public safety; creating the Silver Alert Act; defining terms;
9 requiring the Department of Public Safety to develop and implement a statewide
10 silver alert system; providing for administration of the system; providing duties
11 of the Commissioner of Public Safety; requiring rules and directives to include
12 certain information; providing criteria for activation of silver alert; providing
13 requirements for local law enforcement agencies; providing information to be
14 included in the silver alert; providing for termination of a silver alert; requiring
15 certain notification; providing for codification; and providing an effective date.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as
18 Section 1-1990.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

19 This act shall be known and may be cited as the "Silver Alert Act".

20 SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as
21 Section 1-1990.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

22 As used in the Silver Alert Act:

- 23 1. "Alert" means the statewide silver alert for missing senior citizens;
- 24 2. "Local law enforcement agency" includes, but is not limited to, a county sheriff's office, a
police department of a municipality or city, or the state highway patrol;

1 3. "Media outlet" includes but is not limited to radio stations, television stations, newspapers
2 and local support organizations; and

3 4. "Missing senior citizen" means a person:

4 a. whose whereabouts are unknown,

5 b. whose age at the time the person is first reported missing is sixty (60) years of age
6 or older and who is believed to be suffering from dementia or other cognitive
7 impairment, and

8 c. whose disappearance poses a credible threat to the safety and health of the person,
9 as determined by a local law enforcement agency.

10 SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as
11 Section 1-1990.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

12 The Department of Public Safety shall develop and implement a statewide silver alert system to
13 be activated on behalf of a missing senior citizen in cooperation with the Department of
14 Transportation, the Department of Human Services, any local law enforcement agency, the Oklahoma
15 Association of Broadcasters and any other appropriate state or local agencies.

16 SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as
17 Section 1-1990.4 of Title 63, unless there is created a duplication in numbering, reads as follows:

18 The Commissioner of Public Safety is the statewide coordinator of the silver alert system and
19 shall:

20 1. Adopt rules and issue directives as necessary to ensure proper implementation of the alert.

21 The rules and directives shall include:

22 a. the procedures to be used by a local law enforcement agency to verify whether a
23 senior citizen:
24

- 1 (1) is missing,
- 2 (2) is believed to be suffering from dementia or other cognitive impairment,
- 3 and
- 4 (3) is one whose disappearance is believed to pose a credible risk to the health
- 5 and safety of the missing person,
- 6 b. the criteria for local law enforcement agencies to consider in circumstances in
- 7 which a missing person may not meet the age requirements of a silver alert but
- 8 whose safety would be best protected by the issuance of a silver alert,
- 9 c. the procedures for local law enforcement agencies to follow in initiating a
- 10 statewide silver alert,
- 11 d. the method whereby information is distributed to statewide media outlets,
- 12 e. the procedures for the receipt and evaluation of information received from the
- 13 public about the missing senior citizen, and
- 14 f. the procedure for the termination of a silver alert; and

15 2. Coordinate with local and statewide media outlets for the rapid and accurate announcement of
16 a silver alert to the public.

17 SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as
18 Section 1-1990.5 of Title 63, unless there is created a duplication in numbering, reads as follows:

19 A. A silver alert shall be activated if a local law enforcement agency:

20 1. Receives notice of a missing senior citizen;

21 2. Verifies that at the time the senior citizen is reported missing:

- 22 a. the person reported missing is sixty (60) years of age or older,
 - 23 b. the location of the senior citizen is unknown, or
- 24

1 c. the senior citizen has dementia or other cognitive impairment;

2 3. Determines that the disappearance of the senior citizen poses a credible threat to the health
3 and safety of the senior citizen; and

4 4. Determines that information which may assist in the safe recovery of the missing senior
5 citizen is available.

6 B. The local law enforcement agency shall:

7 1. Require the family or legal guardian of the missing senior citizen to provide documentation of
8 the impaired mental condition of the senior citizen;

9 2. Determine identifying information about the missing senior citizen and any other information
10 which might be useful to the general public in the safe recovery of the missing senior citizen; and

11 3. Report the individual through the national crime information center immediately upon the
12 issuance of a silver alert.

13 SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as
14 Section 1-1990.6 of Title 63, unless there is created a duplication in numbering, reads as follows:

15 The silver alert shall include:

16 1. All appropriate information that is provided by the local law enforcement agency that may
17 lead to the safe recovery of the missing senior citizen; and

18 2. A statement instructing any person with information related to the missing senior citizen to
19 contact a local law enforcement agency.

20 SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as
21 Section 1-1990.7 of Title 63, unless there is created a duplication in numbering, reads as follows:
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A. The local law enforcement agency responsible for the issuance of a silver alert shall terminate any silver alert with respect to a particular missing senior citizen not later than the earlier of the date on which:

- 1. The missing senior citizen is located or the situation is otherwise resolved; or
- 2. The notification period ends, as determined by Department rule.

B. A local law enforcement agency that locates a missing senior citizen who is the subject of a silver alert shall immediately notify the Department of Public Safety.

SECTION 8. This act shall become effective November 1, 2009.

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