

THE HOUSE OF REPRESENTATIVES
Monday, February 23, 2009

Committee Substitute for
House Bill No. 2030

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2030 - By: STEELE of the House and COFFEE of the Senate.

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

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

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

4 This act shall be known and may be cited as the “Silver Alert Act”.

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

8 As used in the Silver Alert Act:

9 1. “Alert” means the statewide silver alert for missing senior citizens;

1 2. “Local law enforcement agency” includes, but is not limited to, a county sheriff’s
2 office, a police department of a municipality or city, or the state highway patrol;

3 3. “Media outlet” includes but is not limited to radio stations, television stations,
4 newspapers and local support organizations; and

5 4. “Missing senior citizen” means a person:

6 a. whose whereabouts are unknown,

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

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

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

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

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

1 The Commissioner of Public Safety is the statewide coordinator of the silver alert
2 system and shall:

3 1. Adopt rules and issue directives as necessary to ensure proper implementation of
4 the alert. The rules and directives shall include:

5 a. the procedures to be used by a local law enforcement agency to verify
6 whether a senior citizen:

7 (1) is missing,

8 (2) is believed to be suffering from dementia or other cognitive
9 impairment, and

10 (3) is one whose disappearance is believed to pose a credible risk to
11 the health and safety of the missing person,

12 b. the criteria for local law enforcement agencies to consider in
13 circumstances in which a missing person may not meet the age
14 requirements of a silver alert but whose safety would be best protected
15 by the issuance of a silver alert,

16 c. the procedures for local law enforcement agencies to follow in initiating
17 a statewide silver alert,

18 d. the method whereby information is distributed to statewide media
19 outlets,

20 e. the procedures for the receipt and evaluation of information received
21 from the public about the missing senior citizen, and

22 f. the procedure for the termination of a silver alert; and

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

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

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

7 1. Receives notice of a missing senior citizen;

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

9 a. the person reported missing is sixty (60) years of age or older,

10 b. the location of the senior citizen is unknown, or

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

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

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

16 B. The local law enforcement agency shall:

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

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

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

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

6 The silver alert shall include:

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

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

11 SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma
12 Statutes as Section 1-1990.7 of Title 63, unless there is created a duplication in
13 numbering, reads as follows:

14 A. The local law enforcement agency responsible for the issuance of a silver alert
15 shall terminate any silver alert with respect to a particular missing senior citizen not
16 later than the earlier of the date on which:

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

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

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

1 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02-19-09 - DO
2 PASS, As Amended and Coauthored.