

EHB 2030

THE STATE SENATE
Thursday, March 26, 2009

ENGROSSED

House Bill No. 2030

ENGROSSED HOUSE BILL NO. 2030 - By: Steele, Ritze, Sears, Kern, Cooksey, Kiesel, Faught, Walker and Pittman 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:

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

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

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

As used in the Silver Alert Act:

- 1 1. "Alert" means the statewide silver alert for missing senior
2 citizens;
- 3 2. "Local law enforcement agency" includes, but is not limited
4 to, a county sheriff's office, a police department of a municipality
5 or city, or the state highway patrol;
- 6 3. "Media outlet" includes but is not limited to radio
7 stations, television stations, newspapers and local support
8 organizations; and
- 9 4. "Missing senior citizen" means a person:
- 10 a. whose whereabouts are unknown,
- 11 b. whose age at the time the person is first reported
12 missing is sixty (60) years of age or older and who is
13 believed to be suffering from dementia or other
14 cognitive impairment, and
- 15 c. whose disappearance poses a credible threat to the
16 safety and health of the person, as determined by a
17 local law enforcement agency.

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

21 The Department of Public Safety shall develop and implement a
22 statewide silver alert system to be activated on behalf of a missing
23 senior citizen in cooperation with the Department of Transportation,

1 the Department of Human Services, any local law enforcement agency,
2 the Oklahoma Association of Broadcasters and any other appropriate
3 state or local agencies.

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

7 The Commissioner of Public Safety is the statewide coordinator
8 of the silver alert system and shall:

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

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

14 (1) is missing,

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

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

20 b. the criteria for local law enforcement agencies to
21 consider in circumstances in which a missing person
22 may not meet the age requirements of a silver alert

- 1 but whose safety would be best protected by the
2 issuance of a silver alert,
3 c. the procedures for local law enforcement agencies to
4 follow in initiating a statewide silver alert,
5 d. the method whereby information is distributed to
6 statewide media outlets,
7 e. the procedures for the receipt and evaluation of
8 information received from the public about the missing
9 senior citizen, and
10 f. the procedure for the termination of a silver alert;
11 and

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

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

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

19 1. Receives notice of a missing senior citizen;

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

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

- 1 b. the location of the senior citizen is unknown, or
2 c. the senior citizen has dementia or other cognitive
3 impairment;

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

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

9 B. The local law enforcement agency shall:

10 1. Require the family or legal guardian of the missing senior
11 citizen to provide documentation of the impaired mental condition of
12 the senior citizen;

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

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

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

22 The silver alert shall include:

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

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

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

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

14 1. The missing senior citizen is located or the situation is
15 otherwise resolved; or

16 2. The notification period ends, as determined by Department
17 rule.

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

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

22 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,
23 dated 3-24-09 - DO PASS, As Coauthored.