

SB132 ENROLLED



1 6YVJ3Z-2
2 By Senators Smitherman, Coleman, Stewart
3 RFD: Judiciary
4 First Read: 22-Mar-23
5 2023 Regular Session



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1 Enrolled, An Act,

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3 Relating to law enforcement; to amend Sections
4 26-19A-2, 26-19A-3, 26-19A-4, and 26-19A-5, Code of Alabama
5 1975, to expand missing and endangered persons alerts to
6 include individuals who have been abducted; and to make
7 nonsubstantive, technical revisions to update the existing
8 code language to current style.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 "§26-19A-2

14 The Missing and Endangered Persons Alert Act is enacted
15 for the following purposes:

16 (1) To provide a rapid response ~~to missing or lost~~
17 ~~persons~~ if either of the following occur:

18 a. The department verifies that an individual living
19 with a mental disability, physical disability, Alzheimer's
20 disease, dementia, or autism ~~who are~~ is missing or lost and is
21 at risk of bodily harm or death.

22 b. The department verifies that an individual has been
23 abducted and the department has a reasonable belief that the
24 individual is at risk of bodily harm or death.

25 (2) To gain the voluntary assistance of the broadcast
26 media to help locate missing and endangered persons."

27 "§26-19A-3

28 When used in this chapter, the following ~~words and~~



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29 terms ~~shall~~ have the following meanings:

30 (1) BROADCASTER. Any entity that is engaged in the
31 business of broadcasting video or audio programs, whether
32 through the public airwaves, by cable, by direct or indirect
33 satellite transmissions, or by any other means of
34 communication.

35 (2) DEPARTMENT. The Alabama State Law Enforcement
36 Agency.

37 (3) MISSING AND ENDANGERED PERSONS ALERT. A voluntary
38 program entered into by the department and other local and
39 state law enforcement agencies and the Alabama Association of
40 Broadcasters and broadcasters licensed to serve in the state,
41 which provides that if the department verifies that ~~a person~~
42 an individual living with a mental disability, physical
43 disability, Alzheimer's disease, dementia, or autism is
44 missing or lost and ~~in danger~~ is at risk of bodily harm or
45 death, or that an individual has been abducted and the
46 department has a reasonable belief that the individual is at
47 risk of bodily harm or death, a media alert is transmitted.
48 The broadcasters participating in the program then distribute
49 the media alert."

50 "§26-19A-4

51 (a) A missing and endangered persons alert shall be
52 activated by the department when ~~a person~~ an individual is
53 reported missing, lost, or abducted, and an investigation
54 reveals the following:

55 (1) The ~~person~~ individual is living with a mental
56 disability, physical disability, Alzheimer's disease,



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57 dementia, or autism and is at risk of bodily harm or death or
58 the individual has been abducted and the department has a
59 reasonable belief that the individual is at risk of bodily
60 harm or death.

61 (2) a. There is enough descriptive information about the
62 ~~person living with a mental disability, physical disability,~~
63 ~~Alzheimer's disease, dementia, or autism and at risk of bodily~~
64 ~~harm or death~~ individual to believe an immediate media alert
65 would help investigators locate the ~~person~~ individual.

66 b. For ~~persons~~ an individual living with a mental
67 disability, physical disability, Alzheimer's disease,
68 dementia, or autism, a statement from a caregiver that the
69 ~~missing person~~ individual lives with a mental disability,
70 physical disability, Alzheimer's disease, dementia, or autism
71 shall be considered sufficient proof of the mental disability,
72 physical disability, Alzheimer's disease, dementia, or autism.

73 (b) A report of a missing and endangered person may be
74 made by a local law enforcement agency to the department as
75 soon as a concerned party or caregiver believes the ~~person~~
76 individual is missing and the originating local law
77 enforcement agency has entered identifying and descriptive
78 information about the missing and endangered person to the
79 Alabama Center for Missing and Exploited Children and to the
80 National Crime Information Center pursuant to Section 26-19-7.
81 Upon the submission of the report, a search in the missing and
82 endangered person's local area may begin immediately, and the
83 department may expand the search to include areas outside of
84 the missing and endangered person's local area if needed.



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85 (c) The department and local law enforcement agencies
86 shall require law enforcement officers and other emergency
87 personnel to complete first responder training for missing
88 persons living with Alzheimer's disease or other forms of
89 dementia, if the training is available through the department,
90 the Alabama Peace Officers' Standards and Training Commission,
91 or the free training and certification program offered by the
92 Alzheimer's Association. If a missing and endangered person
93 report is made for ~~a person~~ an individual living with
94 Alzheimer's disease or dementia, the department and local law
95 enforcement agencies shall utilize, if available, personnel
96 who have participated in this training to assist in conducting
97 the search."

98 "§26-19A-5

99 Once a determination has been made to activate the
100 missing and endangered person media alert, the department
101 shall do the following:

102 (1) Issue a local media alert via email indicating that
103 ~~a person~~ an individual living with a mental disability,
104 physical disability, Alzheimer's disease, dementia, or autism
105 is missing, or an individual has been abducted, and the
106 individual is believed to be in danger.

107 (2) Prepare and send via email the information and
108 description of the missing and endangered person to the media
109 in the appropriate area.

110 (3) Supplement the information by descriptions or
111 photographs of the ~~person~~ individual to the media and the
112 public through the following:



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113 a. Email description.

114 b. Post the missing and endangered person's photograph
115 on the department's website.

116 (4)a. Once the missing and endangered person is found
117 or the case is closed, the initiating law enforcement agency
118 shall notify the department, which shall distribute a media
119 alert cancellation.

120 b. Law enforcement officials shall notify other
121 agencies of the cancellation."

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



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB132
Senate 25-Apr-23
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 25-May-23

By: Senator Smitherman