

SB132 INTRODUCED



1 6YVJ3Z-1
2 By Senator Smitherman
3 RFD: Judiciary
4 First Read: 22-Mar-23
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SYNOPSIS:

Under existing law, a missing and endangered person alert can be issued for missing persons living with certain disabilities or conditions.

This bill would provide that a missing and endangered person alert can also be issued for missing persons who have been abducted.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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



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29 follows:

30 "§26-19A-2

31 The Missing and Endangered Persons Alert Act is enacted
32 for the following purposes:

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

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

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

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

44 "§26-19A-3

45 When used in this chapter, the following ~~words and~~
46 terms ~~shall~~ have the following meanings:

47 (1) BROADCASTER. Any entity that is engaged in the
48 business of broadcasting video or audio programs, whether
49 through the public airwaves, by cable, by direct or indirect
50 satellite transmissions, or by any other means of
51 communication.

52 (2) DEPARTMENT. The Alabama State Law Enforcement
53 Agency.

54 (3) MISSING AND ENDANGERED PERSONS ALERT. A voluntary
55 program entered into by the department and other local and
56 state law enforcement agencies and the Alabama Association of



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57 Broadcasters and broadcasters licensed to serve in the state,
58 which provides that if the department verifies that ~~a person~~
59 an individual living with a mental disability, physical
60 disability, Alzheimer's disease, dementia, or autism is
61 missing or lost and ~~in danger~~ is at risk of bodily harm or
62 death, or that an individual has been abducted and the
63 department has a reasonable belief that the individual is at
64 risk of bodily harm or death, a media alert is transmitted.
65 The broadcasters participating in the program then distribute
66 the media alert."

67 "§26-19A-4

68 (a) A missing and endangered persons alert shall be
69 activated by the department when ~~a person~~ an individual is
70 reported missing, lost, or abducted, and an investigation
71 reveals the following:

72 (1) The ~~person~~ individual is living with a mental
73 disability, physical disability, Alzheimer's disease,
74 dementia, or autism and is at risk of bodily harm or death or
75 the individual has been abducted and the department has a
76 reasonable belief that the individual is at risk of bodily
77 harm or death.

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

83 b. For ~~persons~~ an individual living with a mental
84 disability, physical disability, Alzheimer's disease,



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85 dementia, or autism, a statement from a caregiver that the
86 ~~missing person~~ individual lives with a mental disability,
87 physical disability, Alzheimer's disease, dementia, or autism
88 shall be considered sufficient proof of the mental disability,
89 physical disability, Alzheimer's disease, dementia, or autism.

90 (b) A report of a missing and endangered person may be
91 made by a local law enforcement agency to the department as
92 soon as a concerned party or caregiver believes the ~~person~~
93 individual is missing and the originating local law
94 enforcement agency has entered identifying and descriptive
95 information about the missing and endangered person to the
96 Alabama Center for Missing and Exploited Children and to the
97 National Crime Information Center pursuant to Section 26-19-7.
98 Upon the submission of the report, a search in the missing and
99 endangered person's local area may begin immediately, and the
100 department may expand the search to include areas outside of
101 the missing and endangered person's local area if needed.

102 (c) The department and local law enforcement agencies
103 shall require law enforcement officers and other emergency
104 personnel to complete first responder training for missing
105 persons living with Alzheimer's disease or other forms of
106 dementia, if the training is available through the department,
107 the Alabama Peace Officers' Standards and Training Commission,
108 or the free training and certification program offered by the
109 Alzheimer's Association. If a missing and endangered person
110 report is made for ~~a person~~ an individual living with
111 Alzheimer's disease or dementia, the department and local law
112 enforcement agencies shall utilize, if available, personnel



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113 who have participated in this training to assist in conducting
114 the search."

115 "§26-19A-5

116 Once a determination has been made to activate the
117 missing and endangered person media alert, the department
118 shall do the following:

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

124 (2) Prepare and send via email the information and
125 description of the missing and endangered person to the media
126 in the appropriate area.

127 (3) Supplement the information by descriptions or
128 photographs of the ~~person~~ individual to the media and the
129 public through the following:

130 a. Email description.

131 b. Post the missing and endangered person's photograph
132 on the department's website.

133 (4)a. Once the missing and endangered person is found
134 or the case is closed, the initiating law enforcement agency
135 shall notify the department, which shall distribute a media
136 alert cancellation.

137 b. Law enforcement officials shall notify other
138 agencies of the cancellation."

139 Section 2. This act shall become effective on the first
140 day of the third month following its passage and approval by



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141 the Governor, or its otherwise becoming law.