

AMENDED IN SENATE MARCH 29, 2012

**SENATE BILL**

**No. 1047**

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**Introduced by ~~Senator~~ *Senators Alquist and Correa***  
*(Principal coauthors: Assembly Members Ammiano and Dickinson)*

February 7, 2012

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An act to add Section 8594.10 to the Government Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1047, as amended, Alquist. Emergency services: missing person: Endangered Missing Advisory.

Existing law authorizes use of the Emergency Alert System to inform the public of local, state, and national emergencies. Existing law requires a law enforcement agency to activate the Emergency Alert System within the appropriate area if that agency determines that a child 17 years of age or younger, or an individual with a proven mental or physical disability, has been abducted and is in imminent danger of serious bodily injury or death, and there is information available that, if disseminated to the general public, could assist in the safe recovery of that person.

This bill would require that if a person is reported missing to a law enforcement agency, and that agency determines that certain requirements are met, including, among others, ~~that the circumstances surrounding the person's disappearance would not qualify for activation of the Emergency Alert System as described above~~ *that the missing person is 65 years of age or older*, the law enforcement agency shall request the California Highway Patrol to activate ~~an Endangered Missing Advisory~~ *a Silver Alert*. ~~The bill would require the Endangered Missing Advisory to be called a Silver Alert if the missing individual is 65 years~~

~~of age or older.~~ The bill would require the California Highway Patrol to, upon activation of ~~an Endangered Missing Advisory~~ a Silver Alert, take certain actions to assist the agency investigating the disappearance. *By imposing additional duties on local law enforcement officials, this bill would impose a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 8594.10 is added to the Government Code,  
2     to read:  
3     8594.10. (a) For purposes of this section, “Silver Alert” means  
4     a notification system, activated pursuant to subdivision (b),  
5     designed to issue and coordinate alerts with respect to a person  
6     who is 65 years of age or older who is reported missing.  
7     (b) (1) If a person is reported missing to a law enforcement  
8     agency, and that agency determines that the requirements of  
9     subdivision (c) are met, the agency shall request the California  
10    Highway Patrol to activate a Silver Alert. The California Highway  
11    Patrol shall activate a Silver Alert within the geographical area  
12    requested by the investigating law enforcement agency.  
13    (2) Radio, television, and cable and satellite systems are  
14    encouraged to, but not required to, cooperate with disseminating  
15    the information contained in a Silver Alert.  
16    (3) Upon activation of a Silver Alert, the California Highway  
17    Patrol shall assist the investigating law enforcement agency by  
18    issuing a be-on-the-lookout, an Emergency Digital Information  
19    Service message, or an electronic flyer.  
20    (c) A law enforcement agency shall request a Silver Alert be  
21    activated if that agency determines that all of the following  
22    conditions are met in regard to the investigation of the missing  
23    person:

1 (1) *The missing person is 65 years of age or older.*

2 (2) *The investigating law enforcement agency has utilized all*  
3 *available local resources.*

4 (3) *The law enforcement agency determines that the person has*  
5 *gone missing under unexplained or suspicious circumstances.*

6 (4) *The law enforcement agency believes that the person is in*  
7 *danger because of age, health, mental or physical disability,*  
8 *environment or weather conditions, that the person is in the*  
9 *company of a potentially dangerous person, or that there are other*  
10 *factors indicating that the person may be in peril.*

11 (5) *There is information available that, if disseminated to the*  
12 *public, could assist in the safe recovery of the missing person.*

13 (d) *This section shall remain in effect only until January 1, 2016,*  
14 *and as of that date is repealed, unless a later enacted statute, that*  
15 *is enacted before January 1, 2016, deletes or extends that date.*

16 (e) *No later than September 1, 2014, the California Highway*  
17 *Patrol, consistent with Section 9795, shall prepare and submit to*  
18 *the Legislature a report evaluating the Silver Alert program, that*  
19 *shall address all of the following elements:*

20 (1) *The total number of Silver Alerts requested and activated,*  
21 *and the number of persons recovered as a result of a Silver Alert*  
22 *activation.*

23 (2) *Any identified costs related to implementation of the Silver*  
24 *Alert program.*

25 (3) *A recommendation as to whether this section shall be*  
26 *repealed or extended.*

27 ~~SECTION 1. Section 8594.10 is added to the Government~~  
28 ~~Code, to read:~~

29 ~~8594.10. (a) (1) If a person is reported missing to a law~~  
30 ~~enforcement agency, and that agency determines that the~~  
31 ~~requirements of subdivision (b) are met, that law enforcement~~  
32 ~~agency shall request the California Highway Patrol to activate an~~  
33 ~~Endangered Missing Advisory. The California Highway Patrol~~  
34 ~~shall activate an Endangered Missing Advisory if requested. An~~  
35 ~~Endangered Missing Advisory is a voluntary cooperation between~~  
36 ~~local, state, and other law enforcement, state government agencies,~~  
37 ~~radio, television, and cable and satellite systems to enhance the~~  
38 ~~public's ability to assist in recovering endangered missing persons.~~

39 ~~(2) Upon activation of an Endangered Missing Advisory, the~~  
40 ~~California Highway Patrol shall assist the law enforcement agency~~

1 that is investigating the crime by issuing be-on-the lookouts, an  
 2 Emergency Information Service message, or a Critical Reach flyer.  
 3 The California Highway Patrol may also notify, if appropriate, the  
 4 United States or Mexican border officials, and the National Center  
 5 for Missing and Exploited Children, and any additional  
 6 notifications that the California Highway Patrol deems necessary.

7 (3) In accordance with the recommendation contained in the  
 8 United States Department of Justice Endangered Missing Advisory  
 9 Guide that a unique title be adopted, an Endangered Missing  
 10 Advisory shall be called a “Silver Alert” if the missing person is  
 11 65 years of age or older.

12 (b) A law enforcement agency may request that an Endangered  
 13 Missing Advisory to be activated if that agency determines that  
 14 all of the following conditions are met in regard to the missing  
 15 person:

16 (1) The circumstances surrounding the person’s disappearance  
 17 would not qualify for an AMBER Alert pursuant to Section 8594.

18 (2) The law enforcement agency determines that the person has  
 19 gone missing under unexplained or suspicious circumstances.

20 (3) The law enforcement agency believes that the person is in  
 21 danger because of age, health, mental or physical disability,  
 22 environment or weather conditions, that the person is in the  
 23 company of a potentially dangerous person, or that there are other  
 24 factors indicating that the person may be in peril.

25 (4) There is information available that, if disseminated to the  
 26 public, could assist in the safe recovery of the missing person.

27 SEC. 2. If the Commission on State Mandates determines that  
 28 this act contains costs mandated by the state, reimbursement to  
 29 local agencies and school districts for those costs shall be made  
 30 pursuant to Part 7 (commencing with Section 17500) of Division  
 31 4 of Title 2 of the Government Code.