

AMENDED IN ASSEMBLY MAY 24, 2016

AMENDED IN SENATE MARCH 28, 2016

**SENATE BILL**

**No. 1330**

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**Introduced by Senator Galgiani**

February 19, 2016

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An act to amend *Section 8594.10 of the Government Code, and to amend Section 14215 of the Penal Code*, relating to missing persons.

LEGISLATIVE COUNSEL'S DIGEST

SB 1330, as amended, Galgiani. Missing persons.

*(1) Existing law authorizes a law enforcement agency to request the Department of the California Highway Patrol to activate a Silver Alert, as defined, if the agency receives a report of a missing person who is 65 years of age or older, developmentally disabled, or cognitively impaired, and certain conditions are met, including that all local resources have been utilized and the disappearance is unexplained or suspicious.*

*This bill would remove the requirement that the investigating law enforcement agency have used all available resources.*

~~Existing~~

*(2) Existing law requires the Attorney General to maintain a directory of at-risk missing persons. Existing law requires police or sheriff departments, if there is evidence that a missing person is at-risk, to broadcast a bulletin within its jurisdiction. Existing law defines at-risk as including, among other things, a missing person who is mentally impaired.*

*This bill would clarify that an at-risk includes a person who is cognitively impaired or developmentally disabled.*

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

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

1 SECTION 1. Section 8594.10 of the Government Code is  
2 amended 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, developmentally disabled, or  
7 cognitively impaired, and who is reported missing.

8 (b) (1) If a person is reported missing to a law enforcement  
9 agency and that agency determines that the requirements of  
10 subdivision (c) are met, the agency may request the Department  
11 of the California Highway Patrol to activate a Silver Alert. If the  
12 Department of the California Highway Patrol concurs that the  
13 requirements of subdivision (c) are met, it shall activate a Silver  
14 Alert within the geographical area requested by the investigating  
15 law enforcement agency.

16 (2) Radio, television, and cable and satellite systems are  
17 encouraged to, but not required to, cooperate with disseminating  
18 the information contained in a Silver Alert.

19 (3) Upon activation of a Silver Alert, the Department of the  
20 California Highway Patrol shall assist the investigating law  
21 enforcement agency by issuing a be-on-the-lookout alert, an  
22 Emergency Digital Information Service message, an electronic  
23 flyer, or a changeable message sign in compliance with paragraph  
24 (4).

25 (4) Upon activation of a Silver Alert, the Department of the  
26 California Highway Patrol may use a changeable message sign if  
27 both of the following conditions are met:

28 (A) A law enforcement agency determines that a vehicle may  
29 be involved in the missing person incident.

30 (B) Specific vehicle identification is available for public  
31 dissemination.

32 (c) A law enforcement agency may request a Silver Alert be  
33 activated if that agency determines that all of the following  
34 conditions are met in regard to the investigation of the missing  
35 person:

1 (1) The missing person is 65 years of age or older,  
2 developmentally disabled, or cognitively impaired.

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

5 ~~(3)~~

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

8 ~~(4)~~

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

14 ~~(5)~~

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

17 (d) For purposes of this section, the following definitions have  
18 the following meanings:

19 (1) “Developmentally disabled” means affected by a  
20 developmental disability, as defined in subdivision (a) of Section  
21 4512 of the Welfare and Institutions Code.

22 (2) “Cognitively impaired” means affected by a cognitive  
23 impairment, as defined in Section 14522.4 of the Welfare and  
24 Institutions Code.

25 **SECTION 1.**

26 *SEC. 2.* Section 14215 of the Penal Code is amended to read:  
27 14215. (a) As used in this title, “missing person” includes, but  
28 is not limited to, any of the following:

29 (1) An at-risk adult.

30 (2) A child who has been taken, detained, concealed, enticed  
31 away, or retained by a parent in violation of Chapter 4  
32 (commencing with Section 277) of Title 9 of Part 1.

33 (3) A child who is missing voluntarily or involuntarily, or under  
34 circumstances not conforming to his or her ordinary habits or  
35 behavior and who may be in need of assistance.

36 (b) As used in this title, “at-risk” means there is evidence of, or  
37 there are indications of, any of the following:

38 (1) The person missing is the victim of a crime or foul play.

39 (2) The person missing is in need of medical attention.

1 (3) The person missing has no pattern of running away or  
2 disappearing.

3 (4) The person missing may be the victim of parental abduction.

4 (5) The person missing is mentally impaired, including  
5 cognitively impaired or developmentally disabled.

6 (c) As used in this title, “child” is any person under 18 years of  
7 age.

8 (d) As used in this title, “center” means the Violent Crime  
9 Information Center.

10 (e) As used in this title, “dental or medical records or X-rays”  
11 include all those records or X-rays which are in the possession of  
12 a dentist, physician and surgeon, or medical facility.

13 (f) As used in this title, “unidentified person” means a person,  
14 living or deceased, whose identity the local investigative agency  
15 is unable to determine.