

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 38
Committee Substitute Favorable 4/4/07

Short Title: Missing Persons Alert/Persons w/Dementia.

(Public)

Sponsors:

Referred to:

January 31, 2007

A BILL TO BE ENTITLED

1
2 AN ACT TO PROVIDE FOR A PUBLIC ALERT TO BE ISSUED WHEN A
3 PERSON WITH DEMENTIA OR OTHER COGNITIVE IMPAIRMENT IS
4 REPORTED MISSING, TO INCLUDE CAREGIVERS AMONG THOSE WHO
5 CAN REPORT AN INDIVIDUAL MISSING, AND TO MAKE TECHNICAL
6 AND CONFORMING CHANGES TO THE PROVISIONS CONCERNING THE
7 NORTH CAROLINA CENTER FOR MISSING PERSONS.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 143B-499 reads as rewritten:

10 **"§ 143B-499. Submission of missing person reports to the Center.**

11 Any parent, spouse, guardian, ~~or~~ legal custodian, or person responsible for the
12 supervision of the missing individual may submit a missing person report to the Center
13 of any missing child or missing person, regardless of the circumstances, after having
14 first submitted a missing person report on the individual to the law-enforcement agency
15 having jurisdiction of the area in which the individual became or is believed to have
16 become missing, regardless of the circumstances."

17 **SECTION 2.** G.S. 143B-499.1 reads as rewritten:

18 **"§ 143B-499.1. Dissemination of missing persons data by law-enforcement**
19 **agencies.**

20 A law-enforcement agency, upon receipt of a missing person report by a parent,
21 spouse, guardian, ~~or~~ legal custodian, or person responsible for the supervision of the
22 missing individual shall immediately make arrangements for the entry of data about the
23 missing person or missing child into the national missing persons file in accordance
24 with criteria set forth by the FBI/NCIC, immediately inform all of its on-duty
25 law-enforcement officers of the missing person report, initiate a statewide broadcast to
26 all appropriate law-enforcement agencies to be on the lookout for the individual, and
27 transmit a copy of the report to the Center. No law enforcement agency shall establish
28 or maintain any policy which requires the observance of any waiting period before
29 accepting a missing person report.

1 If the report involves a missing child and the report meets the criteria established in
2 G.S. 143B-499.7(b), as soon as practicable after receipt of the report, the law
3 enforcement agency shall notify the Center and the National Center for Missing and
4 Exploited Children of the relevant data about the missing child."

5 **SECTION 3.** G.S. 143B-499.3 reads as rewritten:

6 "**§ 143B-499.3. Duty of individuals to notify Center and law-enforcement agency**
7 **when missing person has been located.**

8 Any parent, spouse, guardian, ~~or~~ legal custodian, or person responsible for the
9 supervision of the missing individual who submits a missing person report to a
10 law-enforcement agency or to the Center, shall immediately notify the law-enforcement
11 agency and the Center of any individual whose location has been determined. The
12 Center shall confirm the deletion of the individual's records from the FBI/NCIC's
13 missing person file, as long as there are no grounds for criminal prosecution, and follow
14 up with the local law-enforcement agency having jurisdiction of the records."

15 **SECTION 4.** G.S. 143B-499.5 reads as rewritten:

16 "**§ 143B-499.5. Provision of toll-free service; instructions to callers;**
17 **communication with law-enforcement agencies.**

18 The Center shall provide a toll-free telephone line for anyone to report the
19 disappearance of any individual or the sighting of any missing child or missing person.
20 The Center personnel shall instruct the caller, in the case of a report concerning the
21 disappearance of an individual, of the requirements contained in
22 G.S. ~~143B-499~~143B-499.3 of first having to submit a missing person report on the
23 individual to the law-enforcement agency having jurisdiction of the area in which the
24 individual became or is believed to have become missing. Any law-enforcement agency
25 may retrieve information imparted to the Center by means of this phone line. The
26 Center shall directly communicate any report of a sighting of a missing person or a
27 missing child to the law-enforcement agency having jurisdiction in the area of
28 disappearance or sighting."

29 **SECTION 5.** Part 5A of Article 11 of Chapter 143B of the General Statutes
30 is amended by adding a new section to read:

31 "**§ 143B-499.8. North Carolina Silver Alert System established.**

32 (a) There is established within the North Carolina Center for Missing Persons the
33 Silver Alert System. The purpose of the Silver Alert System is to provide a statewide
34 system for the rapid dissemination of information regarding a missing person who is
35 believed to be suffering from dementia or other cognitive impairment.

36 (b) If the Center receives a report that involves a missing person who is believed
37 to be suffering from dementia or other cognitive impairment, for the protection of the
38 missing person from potential abuse or other physical harm, neglect, or exploitation, the
39 Center shall issue an alert providing for rapid dissemination of information statewide
40 regarding the missing person. The Center shall make every effort to disseminate the
41 information as quickly as possible when the missing person is 18 years of age or older,
42 and the person's status as missing has been reported to a law enforcement agency.

43 (c) The Center shall adopt guidelines and develop procedures for issuing an alert
44 for missing persons believed to be suffering from dementia or other cognitive

1 impairment and shall provide education and training to encourage radio and television
2 broadcasters to participate in the alert. The guidelines and procedures shall ensure that
3 specific health information about the missing person is not made public through the
4 alert or otherwise.

5 (d) The Center shall consult with the Department of Transportation and develop a
6 procedure for the use of overhead permanent changeable message signs to provide
7 information on the missing adult meeting the criteria of this subsection when
8 information is available that would enable motorists to assist in the recovery of the
9 missing person. The Center and the Department of Transportation shall develop
10 guidelines for the content, length, and frequency of any message to be placed on an
11 overhead permanent changeable message sign."

12 **SECTION 6.** This act is effective when it becomes law.