

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

3

HOUSE BILL 38
Committee Substitute Favorable 4/4/07
State Judiciary II (Criminal) Committee Substitute Adopted 7/27/07

Short Title: Silver Alert System/Missing Persons Alert.

(Public)

Sponsors:

Referred to:

January 31, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A PUBLIC ALERT TO BE ISSUED WHEN A PERSON WITH DEMENTIA OR OTHER COGNITIVE IMPAIRMENT IS REPORTED MISSING, TO INCLUDE CAREGIVERS AMONG THOSE WHO CAN REPORT AN INDIVIDUAL MISSING, TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE PROVISIONS CONCERNING THE NORTH CAROLINA CENTER FOR MISSING PERSONS, AND TO EXEMPT EMS WORKERS LOCATING MISSING PERSONS FROM THE PRIVATE PROTECTIVE SERVICES ACT.

The General Assembly of North Carolina enacts:

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

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

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

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

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

A law-enforcement agency, upon receipt of a missing person report by a parent, spouse, guardian, ~~or~~ legal custodian, or person responsible for the supervision of the missing individual shall immediately make arrangements for the entry of data about the missing person or missing child into the national missing persons file in accordance with criteria set forth by the FBI/NCIC, immediately inform all of its on-duty law-enforcement officers of the missing person report, initiate a statewide broadcast to all appropriate law-enforcement agencies to be on the lookout for the individual, and

1 transmit a copy of the report to the Center. No law enforcement agency shall establish
2 or maintain any policy which requires the observance of any waiting period before
3 accepting a missing person report.

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

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

9 **"§ 143B-499.3. Duty of individuals to notify Center and law-enforcement agency**
10 **when missing person has been located.**

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

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

19 **"§ 143B-499.5. Provision of toll-free service; instructions to callers;**
20 **communication with law-enforcement agencies.**

21 The Center shall provide a toll-free telephone line for anyone to report the
22 disappearance of any individual or the sighting of any missing child or missing person.
23 The Center personnel shall instruct the caller, in the case of a report concerning the
24 disappearance of an individual, of the requirements contained in
25 G.S. ~~143B-499.143B-499.3~~ of first having to submit a missing person report on the
26 individual to the law-enforcement agency having jurisdiction of the area in which the
27 individual became or is believed to have become missing. Any law-enforcement agency
28 may retrieve information imparted to the Center by means of this phone line. The
29 Center shall directly communicate any report of a sighting of a missing person or a
30 missing child to the law-enforcement agency having jurisdiction in the area of
31 disappearance or sighting."

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

34 **"§ 143B-499.8. North Carolina Silver Alert System established.**

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

39 (b) If the Center receives a report that involves a missing person who is believed
40 to be suffering from dementia or other cognitive impairment, for the protection of the
41 missing person from potential abuse or other physical harm, neglect, or exploitation, the
42 Center shall issue an alert providing for rapid dissemination of information statewide
43 regarding the missing person. The Center shall make every effort to disseminate the

1 information as quickly as possible when the missing person is 18 years of age or older,
2 and the person's status as missing has been reported to a law enforcement agency.

3 (c) The Center shall adopt guidelines and develop procedures for issuing an alert
4 for missing persons believed to be suffering from dementia or other cognitive
5 impairment and shall provide education and training to encourage radio and television
6 broadcasters to participate in the alert. The guidelines and procedures shall ensure that
7 specific health information about the missing person is not made public through the
8 alert or otherwise.

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

16 **SECTION 6.** G.S. 74C-3(b) reads as rewritten:

17 "(b) "Private protective services" shall not mean any of the following:

- 18 (1) Licensed insurance adjusters legally employed as such and who
19 engage in no other investigative activities unconnected with
20 adjustment or claims against an insurance-~~company~~; company.
- 21 (2) An officer or employee of the United States, this State, or any political
22 subdivision of either while such officer or employee is engaged in the
23 performance of his official duties within the course and scope of his
24 employment with the United States, this State, or any political
25 subdivision of ~~either~~; either.
- 26 (3) A person engaged exclusively in the business of obtaining and
27 furnishing information as to the financial rating or credit worthiness of
28 persons; and a person who provides consumer reports in connection
29 with:
30 a. Credit transactions involving the consumer on whom the
31 information is to be furnished and involving the extensions of
32 credit to the consumer,
33 b. Information for employment purposes,
34 c. Information for the underwriting of insurance involving the
35 consumer,
36 d. Information in connection with a determination of the
37 consumer's eligibility for a license or other benefit granted by a
38 governmental instrumentality required by law to consider an
39 applicant's financial responsibility, or
40 e. A legitimate business need for the information in connection
41 with a business transaction involving the ~~consumer~~; consumer.
- 42 (4) An attorney at law licensed to practice in North Carolina while
43 engaged in such practice and his agent, provided said agent is

- 1 performing duties only in connection with his principal's practice of
2 ~~law;~~ law.
- 3 (5) The legal owner or lien holder, and his agents and employees, of
4 personal property which has been sold in a transaction wherein a
5 security interest in personal property has been created to secure the
6 sales transaction, who engage in repossession of said personal
7 ~~property;~~ property.
- 8 (6) Repealed by Session Laws 1989, c. 759, s. 3.
- 9 (7) Repealed by Session Laws 1981, c. 807, s. 1.
- 10 (8) Employees of a licensee who are employed exclusively as undercover
11 agents; provided that for purposes of this section, undercover agent
12 means an individual hired by another person, firm, association, or
13 corporation to perform a job for that person, firm, association, or
14 corporation and, while performing such job, to act as an undercover
15 operative, employee, or independent contractor of a licensee, but under
16 the supervision of a ~~licensee;~~ licensee.
- 17 (9) A person who is engaged in an alarm systems business subject to the
18 provisions of Chapter 74D of the General ~~Statutes;~~ Statutes.
- 19 (10) A person who obtains or verifies information regarding applicants for
20 employment, with the knowledge and consent of the applicant, and is
21 (i) engaged in business as a private personnel service as defined in
22 G.S. 95-47.1 or engaged in business as a private employer fee pay
23 personnel service, (ii) engaged in the business of obtaining or verifying
24 information regarding applicants for employment, or (iii) an employer
25 with whom the applicant has applied for ~~employment;~~ employment.
- 26 (11) A person who conducts efficiency studies. An efficiency study is an
27 analysis of an employer's business, made at the request of the
28 employer, to determine one or more of the following:
29 a. The most efficient procedures by which an employee of the
30 business can perform the employee's assigned duties.
31 b. The adequacy of an employee's performance of the employee's
32 assigned duties that require interaction with a client or customer
33 of the business.
- 34 If a person making an efficiency study observes an instance of theft or
35 another illegal act committed by an employee of the business, the
36 person may report the instance to the employer without violating
37 G.S. 74C-3(a)(8).
- 38 (12) Research laboratories and consultants who analyze, test, or in any way
39 apply their expertise to interpreting, evaluating, or analyzing facts or
40 evidence submitted by another in order to determine the cause or effect
41 of physical or psychological occurrences, and give their opinions and
42 findings to the requesting source or to a designee of the ~~requestor;~~
43 requestor.

- 1 (13) A person who works regularly and exclusively as an employee of an
2 employer in connection with the business affairs of that employer. If
3 the employee is an armed security guard and wears, carries, or
4 possesses a firearm in the performance of his duties, the provisions of
5 G.S. 74C-13 ~~apply~~; apply.
- 6 (14) An employee of a security department of a private business that
7 conducts investigations exclusively on matters internal to the business
8 affairs of the ~~business~~; ~~or~~ business.
- 9 (15) Representatives of nonprofit organizations funded all or in part by
10 business improvement districts who provide information and directions
11 to local tourists and residents, engage in street cleaning and
12 beautification services within the business improvement districts, and
13 notify local law enforcement of any illegal activity observed by the
14 representatives within the business improvement districts.
- 15 (16) Emergency medical services personnel credentialed under Article 7 of
16 Chapter 131E of the General Statutes who engage in search and rescue
17 activities at the request of either the State, a political subdivision of the
18 State, or one of the following types of facilities: an adult care home
19 licensed under Chapter 131D of the General Statutes, a health care
20 facility or agency licensed under Chapter 131E of the General Statutes,
21 or a facility licensed to offer mental health, developmental disabilities,
22 or substance abuse services under Chapter 122C of the General
23 Statutes. For the purposes of this subdivision, 'search and rescue'
24 means activities and documents relating to efforts to locate an
25 individual following the individual's disappearance. This exemption
26 shall not apply if the emergency medical services provider provides
27 services beyond emergency search and rescue and said activities meet
28 the definition of private protective services as defined in G.S. 74C-3."

29 **SECTION 7.** This act is effective when it becomes law.