

SENATE BILL NO. 423

BY SENATORS CRAVINS, BROOME, CASSIDY, CHAISSON, CHEEK, DUPRE, ERDEY, B. GAUTREAUX, N. GAUTREAUX, GRAY, HEBERT, HEITMEIER, KOSTELKA, LAFLEUR, LONG, MCPHERSON, MORRISH, MOUNT, MURRAY, NEVERS, SHAW, SMITH, THOMPSON AND WALSWORTH AND REPRESENTATIVES AUBERT, BOBBY BADON, BALDONE, BARROW, BURRELL, DIXON, GALLOT, GISCLAIR, ELBERT GUILLORY, HARDY, HARRISON, ROSALIND JONES, LAFONTA, LEGER, MARCHAND, PERRY, RICHARDSON, RICHMOND, SIMON, SMILEY, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, TRAHAN, WILLIAMS AND WILLMOTT

1 AN ACT

2 To enact Chapter 24-D of Title 40 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 40:2530.1 through 2530.5, relative to the missing senior citizen
4 and missing person with developmental disabilities alert program; to provide for the
5 creation and operation of the program; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Chapter 24-D of Title 40 of the Louisiana Revised Statutes of 1950,
8 comprised of R.S. 40:2530.1 through 2530.5, is hereby enacted to read as follows:

9 **CHAPTER 24-D. SILVER ALERT**

10 **§2530.1. Purpose**

11 **The Louisiana Legislature finds that, in the case of a missing senior**
12 **citizen or missing person with developmental disabilities, the first few hours in**
13 **locating the individual are critical. To aid in the identification and location of**
14 **missing senior citizens and missing persons with developmental disabilities,**
15 **there is hereby created the missing senior citizen and missing person with**
16 **developmental disabilities alert program, referred to in this Chapter as the**
17 **"program," to be implemented by the secretary of the Department of Public**
18 **Safety and Corrections.**

19 **§2530.2. Short title**

20 **This Chapter shall be known or may be cited as the "Silver Alert Act."**

1 **§2530.3. Definitions**

2 **For the purposes of this Chapter, the following words and phrases shall**
3 **have the following meanings:**

4 **(1) "Missing person with developmental disabilities" means a person**
5 **whose whereabouts are unknown; whose domicile at the time he is reported**
6 **missing is in this state; and whose disappearance poses a credible threat to the**
7 **safety and health of himself, as determined by a local law enforcement agency.**

8 **(2) "Missing senior citizen" means a person whose whereabouts are**
9 **unknown; whose domicile at the time he is reported missing is in this state;**
10 **whose age at the time he is first reported missing is sixty years of age or older;**
11 **and whose disappearance poses a credible threat to the safety and health of**
12 **himself, as determined by a local law enforcement agency.**

13 **§2530.4. Administration**

14 **A. The secretary of the Department of Public Safety and Corrections**
15 **shall develop and implement a system to notify citizens when a senior citizen or**
16 **person with a developmental disability is determined to be missing and that an**
17 **alert is to be issued to the community to assist law enforcement officials in**
18 **locating the missing senior citizen or person with a developmental disability.**

19 **B. A notification system developed under the provisions of this Chapter**
20 **shall include, but not be limited to, the following items:**

21 **(1) Procedures to determine that the senior citizen or person with a**
22 **developmental disability is truly missing.**

23 **(2) Procedures for notifying the general public of the fact that a senior**
24 **citizen or person with a developmental disability is missing and the type of**
25 **notification to be utilized to inform the general public.**

26 **(3) Whether the circumstances of the person deemed missing are**
27 **aggravated due to the age of the person or a life threatening medical condition**
28 **or situation which requires the person to take life-sustaining medication.**

29 **(4) Coordinate with and encourage the private sector to participate in**
30 **secondary distribution, including the creation and distribution of flyers,**

1 electronic mail, and text messaging of the missing senior citizen or person with
2 a developmental disability.

3 C. The alert shall be cancelled upon notification that the missing person
4 has been found or at the end of the notification period, whichever occurs first.
5 A local law enforcement agency that locates a missing person who is the subject
6 of an alert shall notify the Department of Public Safety and Corrections or its
7 designee, as soon as possible that the missing person has been located.

8 D. The secretary of the Department of Public Safety and Corrections
9 shall promulgate rules and regulations, in accordance with the Administrative
10 Procedure Act, to implement the provisions of this Chapter.

11 §2530.5. Immunity from liability

12 Any state police officer, members of other law enforcement entities,
13 radio or television broadcasters, cable television operators, who transmit or
14 display, or who fail to transmit or display such information concerning a senior
15 citizen or person with developmental disabilities, and other entities who may
16 become an active component of this effort, shall not be liable for any civil
17 damages or criminal penalties as a result of any acts or omissions relative to the
18 "Silver Alert" program.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____