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HOUSE . . . . . No. 544

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Regarding a Senior Silver Alert ..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 18¾ of chapter 6A of the General Laws, as amended by section 16 of chapter 176 of the acts of 2008, is hereby amended by adding the following clause:-

(10) to develop and implement a statewide silver alert system to be activated on behalf of a missing senior citizen pursuant to chapter 118I.

SECTION 2. Chapter 6A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after section 19A the following section:-

Section 19B. The secretary shall coordinate the implementation of a statewide silver alert system, pursuant to chapter 118I, with the executive office of public safety.

SECTION 3. The General Laws are hereby amended by inserting after chapter 118H the following chapter:-

CHAPTER 118I.

THE STATEWIDE SILVER ALERT SYSTEM FOR MISSING SENIOR CITIZENS.

Section 1. The following terms as used in this chapter shall, unless the context clearly appears otherwise, have the following meanings:

“Executive office”, the executive office of public safety.

"Local law enforcement agency", a local law enforcement agency with jurisdiction over the investigation of a missing senior citizen.

"Silver alert", the statewide silver alert system for missing senior citizens developed and implemented under this chapter.

“Secretary”, secretary of public safety.

"Senior citizen", a person who is 65 years of age or older.

Section 2. (a) The executive office shall develop and implement a statewide silver alert to be activated on behalf of a missing senior citizen. The secretary shall be the statewide coordinator of the silver alert. The secretary shall promulgate rules and regulations as necessary to ensure proper implementation of the silver alert. The rules and regulations shall include: (1) the procedures to be used by a local law enforcement agency to verify whether a senior citizen: (i) is missing; and (ii) has an impaired mental condition; (2) a description of the circumstances under which a local law enforcement agency is required to report a missing senior citizen to the department; and (3) the procedures to be used by an individual or entity to report information about a missing senior citizen to designated media outlets in Massachusetts.

(b) The executive office shall recruit public and commercial television and radio broadcasters, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the silver alert.

Section 3. The executive office of transportation shall: (1) cooperate with the executive office and assist in developing and implementing the silver alert; and (2) establish a plan for providing relevant information to the public through an existing system of dynamic message signs located across the commonwealth.

Section 4. (a) A local law enforcement agency may notify the executive office if the agency: (1) receives notice of a missing senior citizen; (2) verifies that at the time the senior citizen is reported missing: (i) the person reported missing is 65 years of age or older; (ii) the senior citizen's location is unknown; (iii) the senior citizen's domicile is in Massachusetts; and (iv) the senior citizen has an impaired mental condition; and (3) determines that the senior citizen's disappearance poses a credible threat to the senior citizen's health and safety.

(b) The local law enforcement agency shall: (1) require the family or legal guardian of the missing senior citizen to provide documentation of the senior citizen's impaired mental condition to verify the condition as required by sub-clause (iv) of clause (2) of subsection (a); and (2) as soon as practicable, determine whether the senior citizen's disappearance poses a credible threat to the senior citizen's health and safety for purposes of clause (3) subsection (a).

Section 5. (a) When a local law enforcement agency notifies the executive office under section 4, the executive office shall confirm the accuracy of the information and, if confirmed, immediately issue a silver alert under this chapter in accordance with executive office rules and regulations.

(b) In issuing the silver alert, the executive office shall send the alert to designated media outlets in Massachusetts. Following receipt of the alert, participating radio stations, television

stations, and other media outlets may issue the alert at designated intervals to assist in locating the missing senior citizen.

Section 6. The silver alert shall include: (1) all appropriate information that is provided by the local law enforcement agency and that may lead to the safe recovery of the missing senior citizen; and (2) a statement instructing any person with information related to the missing senior citizen to contact a local law enforcement agency.

Section 7. (a) The secretary shall terminate any activation of the alert with respect to a particular missing senior citizen not later than the earlier of the date on which: (1) the missing senior citizen is located or the situation is otherwise resolved; or (2) the notification period ends, as determined by the executive office.

(b) A local law enforcement agency that locates a missing senior citizen who is the subject of a silver alert shall notify the executive office as soon as possible that the missing senior citizen has been located.