



GOV. MSG. NO. 1259

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

July 1, 2024

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 1, 2024, the following bill was signed into law:

SB2305 SD2 HD2 CD1

RELATING TO MISSING PERSONS.
ACT 158

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO MISSING PERSONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the State must
2 protect vulnerable kupuna and persons with cognitive impairments
3 or developmental disabilities who are missing. More than half
4 of states nationwide have established silver alert programs
5 modeled after the AMBER Alert program.

6 Broadcasters use systems like the emergency alert system,
7 formerly known as the emergency broadcast system, or wireless
8 emergency alert, to communicate emergency alerts and warning
9 messages to the public.

10 There are many emergency situations where the use of these
11 broadcast systems could save lives by helping to identify
12 missing elderly individuals or persons with cognitive
13 impairments or developmental disabilities. However, there is no
14 statutory process that requires its use.

15 The purpose of this Act is to establish a silver alert
16 program within the department of law enforcement to alert the
17 public of missing persons for whom there is a credible threat to
18 their health and safety. To the greatest extent possible, the



1 alert shall provide protection of the privacy, dignity, and
2 independence of the missing person by including standards aimed
3 at preventing the inadvertent or unnecessary broadcasting or
4 dissemination of sensitive health and diagnostic information.

5 SECTION 2. Chapter 353C, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "§353C- Silver alert program; missing vulnerable
8 persons. (a) The department shall develop and implement a
9 silver alert program to rapidly disseminate information about a
10 person subject to the silver alert.

11 (b) If a person is reported missing to a law enforcement
12 agency and that agency determines that the conditions of
13 subsection (g) are met, the agency may request the department to
14 activate a silver alert. If the department concurs that the
15 conditions of subsection (g) are met, the department shall
16 activate a silver alert within the geographical area requested
17 by the investigating law enforcement agency.

18 (c) Radio, television, cable, and satellite systems are
19 encouraged to, but not required to, cooperate with disseminating
20 the information contained in a silver alert.



1 (d) Upon activation of a silver alert, the department
2 shall assist the investigating law enforcement agency by issuing
3 a be-on-the-lookout alert, issuing an electronic flyer, or
4 activating a changeable message sign, as permissible.

5 (e) The department, as permitted, may use the Wireless
6 Emergency Alerts System.

7 (f) The department, as permitted, may use a changeable
8 message sign if the following conditions are met:

9 (1) The investigating law enforcement agency determines
10 that a vehicle may be involved in the missing person
11 incident; and

12 (2) Specific vehicle identification is available for
13 public dissemination.

14 (g) A law enforcement agency may request from the
15 department that a silver alert be activated if the agency
16 determines that all of the following conditions are met
17 regarding the investigation of the missing person:

18 (1) The missing person is sixty-five years of age or
19 older, cognitively impaired, or developmentally
20 disabled;



1 (2) The law enforcement agency has utilized all available
2 local resources;

3 (3) The law enforcement agency determines that the person
4 has gone missing under unexplained or suspicious
5 circumstances;

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

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

16 (h) For purposes of this section:

17 "Cognitively impaired" means affected by a cognitive
18 impairment, as defined in section 431:10H-201.

19 "Developmentally disabled" means affected by a severe,
20 chronic disability of a person that:



- 1 (1) Is attributable to a mental or physical impairment or
2 combination of mental and physical impairments;
- 3 (2) Is manifested before the person attains age
4 twenty-two;
- 5 (3) Is likely to continue indefinitely;
- 6 (4) Results in substantial functional limitations in three
7 or more of the following areas of major life activity:
8 self-care, receptive and expressive language,
9 learning, mobility, self-direction, capacity for
10 independent living, and economic sufficiency; and
- 11 (5) Reflects the person's need for a combination and
12 sequence of special, interdisciplinary, or generic
13 care, treatment, or other services that are of
14 lifelong or extended duration and are individually
15 planned and coordinated.

16 "Silver alert" means a notification system, activated
17 pursuant to this section, designed to issue and coordinate
18 alerts with respect to a situation that meets the conditions of
19 subsection (g)."

20 SECTION 3. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$250,000 or so much



1 thereof as may be necessary for fiscal year 2024-2025 for
2 establishing and operating the silver alert program.

3 The sum appropriated shall be expended by the department of
4 law enforcement for the purposes of this Act.

5 SECTION 4. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on July 1, 2024.



S.B. NO. 2305
S.D. 2
H.D. 2
C.D. 1

APPROVED this **1st** day of **July**, 2024

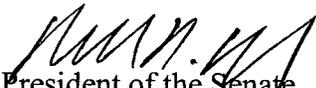


GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: May 1, 2024
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.


President of the Senate


Clerk of the Senate

SB No. 2305, SD 2, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives