
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 in which the use of
11 these 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



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

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

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

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

19 (c) Radio, television, cable, and satellite systems are
20 encouraged to, but not required to, cooperate with disseminating
21 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 may use, as permitted, the Wireless
6 Emergency Alert.

7 (f) The department may use, as permitted, 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 years of age or older,
19 cognitively impaired, or developmentally disabled;

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



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

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

10 (5) There is information available that, if disseminated
11 to the public, could assist in the safe recovery of
12 the missing person.

13 (h) For purposes of this section:

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

16 "Developmentally disabled" means affected by a severe,
17 chronic disability of a person that:

18 (1) Is attributable to a mental or physical impairment or
19 combination of mental and physical impairments;

20 (2) Is manifested before the person attains age
21 twenty-two;



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

12 "Silver alert" means a notification system, activated
 13 pursuant to this section, designed to issue and coordinate
 14 alerts with respect to a situation that meets the requirements
 15 of subsection (g)."

16 SECTION 3. There is appropriated out of the general
 17 revenues of the State of Hawaii the sum of \$ or so
 18 much thereof as may be necessary for fiscal year 2024-2025 for
 19 establishing and operating the silver alert program.

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



1 SECTION 4. In accordance with section 9 of article VII of
2 the Hawaii State Constitution and sections 37-91 and 37-93,
3 Hawaii Revised Statutes, the legislature has determined that the
4 appropriations contained in H.B. No. , will cause the state
5 general fund expenditure ceiling for fiscal year 2024-2025 to be
6 exceeded by \$ or per cent. In addition, the
7 appropriation contained in this Act will cause the general fund
8 expenditure ceiling for fiscal year 2024-2025 to be further
9 exceeded by \$ or per cent. The combined total
10 amount of general fund appropriations contained in only these
11 two Acts will cause the state general fund expenditure ceiling
12 for fiscal year 2024-2025 to be exceeded by
13 \$ or per cent. The reasons for exceeding the
14 general fund expenditure ceiling are that:

- 15 (1) The appropriation made in this Act is necessary to
16 serve the public interest; and
- 17 (2) The appropriation made in this Act meets the needs
18 addressed by this Act.

19 SECTION 5. New statutory material is underscored.



1 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

Silver Alert Program; Missing Persons; Department of Law Enforcement; Appropriation; Expenditure Ceiling

Description:

Establishes a silver alert program within the Department of Law Enforcement to help locate and safeguard missing persons who are sixty years of age or older, cognitively impaired, or developmentally disabled. Appropriates funds. Effective 7/1/3000. (HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

