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# 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



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 Alerts System.

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-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 person is  
7       in danger because of age, health, mental or physical  
8       disability, or environment or weather conditions; the  
9       person is in the company of a potentially dangerous  
10       person; or there are other factors indicating that the  
11       person may be in peril; and

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

15       (h) For purposes of this section:

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

18       "Developmentally disabled" means affected by a  
19       developmental disability, as defined in section 11-88.1-2 of the  
20       Hawaii Administrative Rules.



1       "Silver alert" means a notification system, activated  
2 pursuant to this section, designed to issue and coordinate  
3 alerts with respect to a situation that meets requirements of  
4 subsection (g)."

5       SECTION 3. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of                    or so much  
7 thereof as may be necessary for fiscal year 2024-2025 for  
8 establishing and operating the silver alert program.

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

11       SECTION 4. In accordance with section 9 of article VII of  
12 the Hawaii State Constitution and sections 37-91 and 37-93,  
13 Hawaii Revised Statutes, the legislature has determined that the  
14 appropriations contained in H.B. No.           , will cause the state  
15 general fund expenditure ceiling for fiscal year 2024-2025 to be  
16 exceeded by \$                    or            per cent. In addition, the  
17 appropriation contained in this Act will cause the general fund  
18 expenditure ceiling for fiscal year 2024-2025 to be further  
19 exceeded by \$                    or            per cent. The combined total  
20 amount of general fund appropriations contained in only these  
21 two Acts will cause the state general fund expenditure ceiling



1 for fiscal year 2024-2025 to be exceeded by  
2 \$                    or                    per cent. The reasons for exceeding the  
3 general fund expenditure ceiling are that:

4           (1) The appropriation made in this Act is necessary to  
5                   serve the public interest; and

6           (2) The appropriation made in this Act meets the needs  
7                   addressed by this Act.

8           SECTION 5. New statutory material is underscored.

9           SECTION 6. This Act shall take effect on January 1, 2042.



**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-five years of age or older, cognitively impaired, or developmentally disabled. Appropriates funds. Effective 1/1/2042. (HD1)

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

