S.B. NO. ²³⁰⁵ S.D. 2 H.D. 2

C.D. 1

A BILL FOR AN ACT

RELATING TO MISSING PERSONS.

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

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

Broadcasters use systems like the emergency alert system,
formerly known as the emergency broadcast system, or wireless
emergency alert, to communicate emergency alerts and warning
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 2024-2648 SB2305 CD1 SMA-2.docx 1

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	" <u>\$353C-</u> 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.	

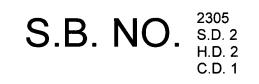
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1	<u>(</u> d)	Upon activation of a silver alert, the department
2	shall ass	ist the investigating law enforcement agency by issuing
3	a be-on-t	he-lookout alert, issuing an electronic flyer, or
4	activatin	g a changeable message sign, as permissible.
5	<u>(e)</u>	The department, as permitted, may use the Wireless
6	Emergency	Alerts System.
7	<u>(f)</u>	The department, as permitted, may use a changeable
8	message s	ign 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	<u>(g)</u>	A law enforcement agency may request from the
15	departmen	t that a silver alert be activated if the agency
16	determine	s 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;



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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	<u>(h)</u>	For purposes of this section:
17	"Cog	nitively impaired" means affected by a cognitive
18	impairmen	t, as defined in section 431:10H-201.
19	"Dev	elopmentally disabled" means affected by a severe,
20	chronic d	isability of a person that:

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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		<u>twenty-two;</u>
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	"Sil	ver alert" means a notification system, activated
17	pursuant	to this section, designed to issue and coordinate
18	alerts wi	th respect to a situation that meets the conditions of
19	subsectio	<u>n (g).</u> "
20	SECT	ION 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.





Report Title:

DLE; Silver Alert Program; Missing Persons; Appropriation

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. (CD1)

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

