

JAN 19 2024

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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 adults with cognitive impairments or developmental  
3 disabilities who are reported missing. More than half of the  
4 states in the United States of America have established "silver  
5 alert" programs modeled after America's Missing: Broadcast  
6 Emergency Response (AMBER) alert programs, which are now in  
7 fifty states. Since its inception in 2005, the Hawaii Minor  
8 Abducted in Life-threatening Emergency/AMERICA's Broadcast  
9 Emergency Response (MAILE AMBER) Alert has been activated in two  
10 abductions, leading to successful reunions with their respective  
11 families.

12           The legislature further finds that broadcasters use the  
13 Emergency Alert System (EAS) to air a description of the  
14 abducted child and suspected abductor - the same concept used  
15 during severe weather emergencies. There have been instances  
16 where the EAS was used to notify the public of a missing,  
17 vulnerable adult who was in immediate danger of serious bodily



1 injury or death. For an individual with dementia who is  
2 missing, the alert is activated to notify first responders and  
3 law enforcement officers. This is critical as half of those  
4 individuals with dementia who are not found within twenty-four  
5 hours are likely to suffer serious injury or death. There are  
6 countless examples of emergency situations in which the EAS  
7 could save lives, such as individuals with a developmental  
8 disability, or a missing adult incapable of making decisions  
9 independently. However, there is no statutory process that  
10 requires its use.

11 Accordingly, the purpose of this Act is to establish a  
12 silver alert program to alert the public of missing adults with  
13 a developmental disability or cognitive impairment that causes a  
14 credible threat to the health and safety of themselves or  
15 others.

16 SECTION 2. Chapter 353C, Hawaii Revised Statutes, is  
17 amended by adding a new section to be appropriately designated  
18 and to read as follows:

19 "§353C- Silver alert program; missing persons. (a) If  
20 a person is reported missing to a law enforcement agency and the  
21 agency determines that the requirements of subsection (b) are



1 met, the agency may request the department to activate a silver  
2 alert. If the department determines that the requirements of  
3 subsection (b) are met, the department shall activate a silver  
4 alert within the geographical area requested by the  
5 investigating law enforcement agency.

6 (b) A law enforcement agency may request the department to  
7 activate a silver alert if the agency determines that:

8 (1) The missing person is:

9 (A) Eighteen years of age or older;

10 (B) Developmentally disabled or cognitively impaired;

11 and

12 (C) Someone whose disappearance poses a credible  
13 threat to the health and safety of the missing

14 person or others;

15 (2) The investigating law enforcement agency has utilized  
16 all available local resources;

17 (3) The person has gone missing under unexplained or  
18 suspicious circumstances;

19 (4) The person is likely in danger because of:

20 (A) Age;

21 (B) Health;



- 1            (C) Mental or physical disability;
- 2            (D) Environment or weather conditions;
- 3            (E) Being in the company of a potentially dangerous
- 4            person; or
- 5            (F) Other factors indicating that the person may be
- 6            in danger; and

7            (5) There is information available that, if disseminated  
8            to the public, could assist in the safe recovery of  
9            the missing person.

10           (c) Upon activation of a silver alert, the department may  
11 use a changeable message sign if both of the following  
12 conditions are met:

- 13           (1) A law enforcement agency determines that a vehicle may
- 14           be involved in the missing person incident; and
- 15           (2) Specific vehicle identification is available for
- 16           public dissemination.

17           (d) The department may request radio, television, and  
18 cable and satellite systems to cooperate with the department in  
19 disseminating the information contained in a silver alert.

20           (e) As used in this section:



1       "Cognitively impaired" means affected by a cognitive  
2 impairment requiring substantial supervision because the  
3 individual behaves in a manner that poses a serious health or  
4 safety hazard to the individual or another person.

5       "Developmentally disabled" means affected by one or more  
6 developmental disabilities as defined under section 333F-1.

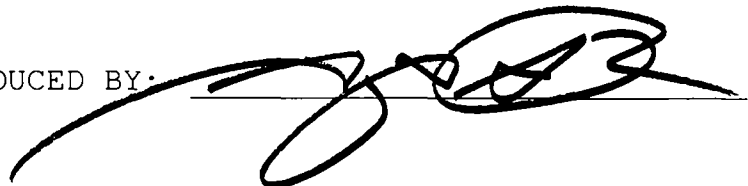
7       "Silver alert" means a notification system designed to  
8 issue and coordinate alerts with respect to a missing person who  
9 is eighteen years of age or older with a developmental  
10 disability or cognitive impairment whose disappearance poses a  
11 credible threat to the health and safety of the missing person  
12 or others."

13       SECTION 3. New statutory material is underscored.

14       SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and loops around itself.

# S.B. NO. 2486

**Report Title:**

Department of Law Enforcement; Silver Alert; Missing Persons

**Description:**

Establishes a silver alert program within the Department of Law Enforcement to help locate and safeguard missing vulnerable adults with developmental disabilities or mental impairments who pose a credible threat to the health and safety to themselves or others.

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

