

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 2087

5 By: Representative B. Wilkins
6
7

For An Act To Be Entitled

8 AN ACT TO ESTABLISH THE "SILVER ALERT SYSTEM" FOR
9 ADULTS WHO ARE LIVING WITH DEMENTIA OR OTHER
10 COGNITIVE IMPAIRMENT; AND FOR OTHER PURPOSES.
11
12

Subtitle

13 AN ACT TO ESTABLISH THE "SILVER ALERT
14 SYSTEM" FOR ADULTS WHO ARE LIVING WITH
15 DEMENTIA OR OTHER COGNITIVE IMPAIRMENT.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 12, Chapter 6 is amended to add an
22 additional subchapter to read as follows:

23 12-6-501. Findings.

24 The General Assembly finds that:

25 (1) Wandering is a common behavior among those with dementia or
26 other cognitive impairment and causes great concern for the families and
27 caregivers in Arkansas;

28 (2) Arkansas is not currently equipped with the tools necessary
29 to locate those with dementia or other cognitive impairment in a timely
30 manner, with the unfortunate result that some individuals are never returned
31 home to their families; and

32 (3) It is imperative that Arkansas develops a plan to ensure
33 that, in the event an individual with dementia or other cognitive impairment
34 is missing, the appropriate infrastructure is available and can be easily and
35 timely activated to protect the health and safety of these vulnerable
36 citizens.



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12-6-502. Department of Arkansas State Police -- Silver Alert System.

The Department of Arkansas State Police shall develop and implement a statewide "Silver Alert System" to be activated on behalf of missing adults who are eighteen (18) years of age or older and are suffering from dementia or other cognitive impairment.

12-6-503. Administration.

(a) The Director of the Department of Arkansas State Police is the statewide coordinator of the Silver Alert System.

(b)(1) The Arkansas State Police Commission shall adopt rules to implement this subchapter.

(2) The rules shall include without limitation:

(A) The procedures to be used by a local law enforcement agency to verify whether an adult:

- (i) Is missing;
- (ii) Has dementia or other cognitive impairment; and
- (iii) Has disappeared and the disappearance poses a threat to his or her safety;

(B) A description of the circumstances under which:

(i) A local law enforcement agency is required to report a missing adult with dementia or other cognitive impairment to the Department of Arkansas State Police; and

(ii) The department shall participate in the investigation of a missing person under this subchapter;

(C) The procedures to be used by the department to report information about a missing adult with dementia or other cognitive impairment to media outlets in Arkansas;

(D) The development of a program for mandatory law enforcement training in dementia search techniques; and

(E)(i) Establishment of a network system for email notification concerning a missing adult with dementia or other cognitive impairment.

(ii) A newspaper of general circulation, radio station, television station, or cable television station system in this state may submit a request to the department for inclusion on a subscriber list to

1 receive an email notification concerning a missing adult with dementia or
 2 other cognitive impairment.

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 4 12-6-504. Notification and activation.

5 (a) A local law enforcement agency shall activate the Silver Alert
 6 System if:

7 (1) Notice of a missing person has been made to local law
 8 enforcement;

9 (2) The person reported missing is eighteen (18) years of age or
 10 older;

11 (3) The legal custodian, family caregiver, or formal caregiver
 12 of the missing person provides a written statement that the missing person
 13 has dementia or other cognitive impairment;

14 (4) The location of the missing person is unknown;

15 (5) The missing person is domiciled in Arkansas; and

16 (6) The disappearance of the missing person poses a credible
 17 threat to his or her own health and safety.

18 (b)(1) A silver alert shall be investigated by local law enforcement
 19 agencies in the geographical area in which the missing person is domiciled,
 20 from which the missing person disappeared, or both.

21 (2) The Department of State Police shall be notified of the
 22 silver alert only if the missing person is believed to have left the
 23 geographical area in which the missing person is domiciled, from which the
 24 missing person disappeared, or both.

25 (c)(1) On notification by local law enforcement under subdivision
 26 (b)(2) of this section, the Department of Arkansas State Police shall:

27 (A) Activate the Silver Alert System; and

28 (B) Notify appropriate participants in the Silver Alert
 29 System immediately.

30 (2) The area of the silver alert may be less than statewide if
 31 the investigating agency determines that the nature of the event makes it
 32 probable that the missing person did not leave a certain geographic location.

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 34 12-6-505. Content of Silver Alert System.

35 The Silver Alert System shall include:

36 (1) All appropriate information that is provided by the local

1 law enforcement agency and that may lead to the recovery of the missing
2 adult; and

3 (2) A statement instructing any person with information related
4 to the missing adult to contact a local law enforcement agency.

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6 12-6-506. Termination of Silver Alert.

7 The Department of Arkansas State Police shall terminate any activation
8 of the Silver Alert System under § 12-6-504(c) with respect to a particular
9 missing adult with dementia or other cognitive impairment not later than the
10 earlier of the date on which:

11 (1) The missing adult is located or the situation is otherwise
12 resolved; or

13 (2) The Director of the Department of Arkansas State Police
14 determines that the Silver Alert System is no longer an effective tool for
15 locating and recovering the missing adult.

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17 12-6-507. Immunity.

18 Any individual or entity participating in the Silver Alert System under
19 this subchapter is not liable for any civil damages arising from the
20 dissemination of any alert generated under the Silver Alert system.

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