

# HOUSE BILL No. 5190

July 14, 2009, Introduced by Reps. Meadows, Byrnes, Liss, Scripps, Roberts, Haase, Womack, Kennedy, Slavens, Haugh, Kandrevas, Huckleberry, Constan, Durhal, Polidori, Terry Brown, Leland, Valentine, Segal, Spade, Miller, Geiss, Roy Schmidt, Bauer, Tlaib, Lemmons, Dean, Ebli, Gregory, Robert Jones, Donigan, Lisa Brown, Gonzales, Sheltroun, Mayes, McDowell, Neumann, Lahti and Jackson and referred to the Committee on Senior Health, Security, and Retirement.

A bill to prescribe the senior medical alert as the official response to reports of certain missing persons; to provide for the broadcast of information regarding those incidents; and to provide for certain civil immunity.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act shall be known and may be cited as the  
2 "Mozelle senior medical alert act".

3           Sec. 2. As used in this act:

4           (a) "Missing senior" means a resident of this state who is at  
5 least 60 years of age, who is reported missing by a person familiar  
6 with the missing senior, and who is believed to be incapable of  
7 returning to his or her residence without assistance.

8           (b) "Person familiar with the missing senior" means a missing

1 senior's guardian, custodian, or guardian ad litem or an individual  
2 who provides the missing senior with home health aid services,  
3 possesses a health care power of attorney for the missing senior,  
4 has proof that the missing senior has a medical condition, or  
5 otherwise has information regarding the missing senior.

6 Sec. 3. A law enforcement agency that receives notice of a  
7 missing senior from a person familiar with the missing senior shall  
8 prepare a report on the missing senior. The report shall include  
9 the following:

10 (a) Relevant information obtained from the notification  
11 concerning the missing senior, including the following:

12 (i) A physical description of the missing senior.

13 (ii) The date, time, and place that the missing senior was last  
14 seen.

15 (iii) The missing senior's address.

16 (b) Information gathered by a preliminary investigation, if  
17 one was made.

18 (c) A statement by the law enforcement officer in charge  
19 setting forth that officer's assessment of the case based upon the  
20 evidence and information received.

21 Sec. 4. The law enforcement agency shall prepare the report  
22 required by section 3 as soon as practicable after the law  
23 enforcement agency receives notification of a missing senior.

24 Sec. 5. (1) After obtaining the information identified in  
25 section 3, the law enforcement agency shall immediately forward  
26 that information to all of the following:

27 (a) All law enforcement agencies that have jurisdiction in the

1 location where the missing senior resides and all law enforcement  
2 agencies that have jurisdiction in the location where the missing  
3 senior was last seen.

4 (b) All law enforcement agencies to which the person who made  
5 the notification concerning the missing senior requests the report  
6 be sent, if the law enforcement agency determines that the request  
7 is reasonable in light of the information received.

8 (c) All law enforcement agencies that request a copy of the  
9 report.

10 (d) One or more broadcasters that broadcast in an area where  
11 the missing senior may be located.

12 (2) Upon completion of the report required by section 3, a law  
13 enforcement agency may forward a copy of the contents of the report  
14 to 1 or more newspapers distributed in an area where the missing  
15 senior may be located.

16 (3) After forwarding the contents of the report to a  
17 broadcaster or newspaper under this section, the law enforcement  
18 agency shall request that the broadcaster or newspaper do the  
19 following:

20 (a) Notify the public that there is a senior medical alert.

21 (b) Broadcast or publish a description of the missing senior  
22 and any other relevant information that would assist in locating  
23 the missing senior.

24 Sec. 6. A law enforcement agency shall begin an investigation  
25 concerning the missing senior as soon as possible after receiving  
26 notification of a missing senior.

27 Sec. 7. A person familiar with the missing senior who notifies

1 a law enforcement agency concerning a missing senior shall notify  
2 the law enforcement agency when he or she becomes aware that the  
3 missing senior has been found.

4       Sec. 8. (1) A broadcaster or newspaper that notifies the  
5 public that there is a senior medical alert and broadcasts or  
6 publishes to the public information contained in the report  
7 forwarded to the broadcaster or newspaper by a law enforcement  
8 agency, including a description of the missing senior and any other  
9 relevant information that would assist in locating the missing  
10 senior, is immune from civil liability for an act or omission  
11 related to the broadcast or the publication of the newspaper.

12       (2) The civil immunity described in subsection (1) does not  
13 apply to an act or omission that constitutes gross negligence or  
14 willful, wanton, or intentional misconduct.