

SENATE BILL No. 260

March 10, 2011, Introduced by Senators WHITMER, HUNTER, BIEDA, SCHUITMAKER, GLEASON, ANDERSON, WARREN, SMITH and HOOD and referred to the Committee on Judiciary.

A bill to prescribe the missing senior or vulnerable adult 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 missing senior or vulnerable adult alert act".

3 Sec. 2. As used in this act:

4 (a) "Missing senior or vulnerable adult" means a resident of
5 this state who is 1 of the following:

6 (i) At least 60 years of age and is believed by a person
7 familiar with the individual to be incapable of returning to his or
8 her residence without assistance and is reported missing by a
9 person familiar with that individual.

1 (ii) A vulnerable adult, as that term is defined in section
2 145m of the Michigan penal code, 1931 PA 328, MCL 750.145m, who is
3 reported missing by a person familiar with that individual.

4 (b) "Person familiar with the missing senior or vulnerable
5 adult" means a missing senior's or vulnerable adult's guardian,
6 custodian, or guardian ad litem or an individual who provides the
7 missing senior or vulnerable adult with home health aid services,
8 possesses a health care power of attorney for the missing senior or
9 vulnerable adult, has proof that the missing senior or vulnerable
10 adult has a medical condition, or otherwise has information
11 regarding the missing senior or vulnerable adult.

12 Sec. 3. A law enforcement agency that receives notice of a
13 missing senior or vulnerable adult from a person familiar with the
14 missing senior or vulnerable adult shall prepare a report on the
15 missing senior or vulnerable adult. The report shall include the
16 following:

17 (a) Relevant information obtained from the notification
18 concerning the missing senior or vulnerable adult, including the
19 following:

20 (i) A physical description of the missing senior or vulnerable
21 adult.

22 (ii) The date, time, and place that the missing senior or
23 vulnerable adult was last seen.

24 (iii) The missing senior's or vulnerable adult's address.

25 (b) Information gathered by a preliminary investigation, if
26 one was made.

27 (c) A statement by the law enforcement officer in charge

1 setting forth that officer's assessment of the case based upon the
2 evidence and information received.

3 Sec. 4. The law enforcement agency shall prepare the report
4 required by section 3 as soon as practicable after the law
5 enforcement agency receives notification of a missing senior or
6 vulnerable adult.

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

10 (a) All law enforcement agencies that have jurisdiction in the
11 location where the missing senior or vulnerable adult resides and
12 all law enforcement agencies that have jurisdiction in the location
13 where the missing senior or vulnerable adult was last seen.

14 (b) All law enforcement agencies to which the person who made
15 the notification concerning the missing senior or vulnerable adult
16 requests the report be sent, if the law enforcement agency
17 determines that the request is reasonable in light of the
18 information received.

19 (c) All law enforcement agencies that request a copy of the
20 report.

21 (d) One or more radio or television broadcasters that
22 broadcast in an area where the missing senior or vulnerable adult
23 may be located.

24 (2) Upon completion of the report required by section 3, a law
25 enforcement agency may forward a copy of the contents of the report
26 to 1 or more newspapers distributed in an area where the missing
27 senior or vulnerable adult may be located.

1 (3) After forwarding the contents of the report to a radio or
2 television broadcaster or newspaper under this section, the law
3 enforcement agency shall request that the broadcaster or newspaper
4 do the following:

5 (a) Notify the public that there is a missing senior or
6 vulnerable adult alert.

7 (b) Broadcast or publish a description of the missing senior
8 or vulnerable adult and any other relevant information that would
9 assist in locating the missing senior or vulnerable adult.

10 Sec. 6. A law enforcement agency shall begin an investigation
11 concerning the missing senior or vulnerable adult as soon as
12 possible after receiving notification of a missing senior or
13 vulnerable adult.

14 Sec. 7. A person familiar with the missing senior or
15 vulnerable adult who notifies a law enforcement agency concerning a
16 missing senior or vulnerable adult shall notify the law enforcement
17 agency when he or she becomes aware that the missing senior or
18 vulnerable adult has been found.

19 Sec. 8. (1) A broadcaster or newspaper that notifies the
20 public that there is a missing senior or vulnerable adult alert and
21 broadcasts or publishes to the public information contained in the
22 report forwarded to the broadcaster or newspaper by a law
23 enforcement agency, including a description of the missing senior
24 or vulnerable adult and any other relevant information that would
25 assist in locating the missing senior or vulnerable adult, is
26 immune from civil liability for an act or omission related to the
27 broadcast or the publication of the newspaper.

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