



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 466 (as enacted)
Sponsor: Senator Tonya Schuitmaker
Senate Committee: Families, Seniors and Human Services
House Committee: Families, Children, and Seniors

PUBLIC ACT 176 of 2012

Date Completed: 7-23-13

CONTENT

The bill created the "Mozelle Senior or Vulnerable Adult Medical Alert Act" to do the following:

- **Require a law enforcement agency to prepare a report when it receives notice of a "missing senior or vulnerable adult" from a person familiar with the individual.**
- **Specify information that must be included in a report.**
- **Require a law enforcement agency to forward information regarding a missing senior or vulnerable adult to certain other law enforcement agencies and to one or more area broadcasters.**
- **Allow a law enforcement agency to forward a copy of the contents of its report to one or more area newspapers.**
- **Require a law enforcement agency to request that broadcasters and newspapers notify the public of a senior or vulnerable adult medical alert.**
- **Provide limited immunity from civil liability to a broadcaster or newspaper that notifies the public of a senior or vulnerable adult medical alert.**

The bill took effect on June 19, 2012.

The bill defines "missing senior or vulnerable adult" as a Michigan resident who is one of the following:

- At least 60 years old and believed to be incapable of returning to his or her residence without assistance, and who is reported missing by a person familiar with that individual.
- A vulnerable adult, as defined in Section 145m of the Michigan Penal Code, who is reported missing by a person familiar with that individual.
- A person who is missing and suffering from senility or a physical or mental condition that subjects the person or others to personal and immediate danger.

(Under Section 145m of the Penal Code, "vulnerable adult" means one or more of the following:

- An individual who is at least 18 years old who requires supervision or personal care or lacks the personal and social skills required to live independently due to age, developmental disability, mental illness, or physical disability.
- An adult, as defined in Section 3(1)(b) of the Adult Foster Care Facility Licensing Act.
- An adult, as defined in Section 11(b) of the Social Welfare Act.

Section 3(1)(b) of the Adult Foster Care Facility Licensing Act includes in the definition of "adult" a child placed in an adult foster care family home or small group home as authorized by the Department of Human Services.

Under Section 11b of the Social Welfare Act, "adult" means a vulnerable person who is at least 18 years old who is suspected of being or believed to be abused, neglected, or exploited. "Vulnerable" means a condition in which an adult is unable to protect himself or herself from abuse, neglect, or exploitation because of a mental or physical impairment or advanced age.)

The bill defines "person familiar with the missing senior or vulnerable adult" as a missing senior's or vulnerable adult's guardian, custodian, or guardian ad litem or an individual who provides the missing person with home health aid services, possesses a health care power of attorney for the missing person, has proof that the missing person has a medical condition, or otherwise has information regarding the missing person.

A law enforcement agency that receives notice of a missing senior or vulnerable adult from a person familiar with that individual must prepare a report that includes relevant information obtained from the notification, including the following:

- A physical description of the missing person.
- The date, time, and place that the missing person was last seen.
- The missing person's address.

The report also must include information gathered by a preliminary investigation, if one was made, and a statement by the law enforcement officer in charge setting forth his or her assessment of the case based upon the evidence and information received.

The law enforcement agency must prepare the report as soon as practicable after it receives notification of a missing senior or vulnerable adult.

After obtaining the information required for a report, the law enforcement agency must forward the information to all of the following as soon as practicable:

- All law enforcement agencies having jurisdiction in the location where the missing senior or vulnerable adult lives and all law enforcement agencies with jurisdiction in the location where he or she was last seen.
- All law enforcement agencies to which the person who notified the agency about the missing senior or vulnerable adult requests the report to be sent, if the agency determines that the request is reasonable in light of the information received.
- All law enforcement agencies that request a copy of the report.
- One or more broadcasters that broadcast in an area where the missing senior or vulnerable adult may be located.

Upon completing the report, the law enforcement agency may forward a copy of its contents to one or more newspapers distributed in an area where the missing senior or vulnerable adult may be located. After forwarding the contents of the report to a broadcaster or newspaper, the law enforcement agency must request that the broadcaster or newspaper notify the public that there is a senior or vulnerable adult medical alert and broadcast or publish a description of the missing person and any other relevant information that would assist in locating the person.

A law enforcement agency must begin an investigation as soon as possible after receiving notification of a missing senior or vulnerable adult.

A person familiar with a missing senior or vulnerable adult who notifies a law enforcement agency of the missing person also must notify the agency when he or she becomes aware that the missing person has been found.

A broadcaster or newspaper that notifies the public that there is a missing senior or vulnerable adult medical alert and communicates information contained in

the report from a law enforcement agency will be immune from civil liability for an act or omission related to the broadcast or publication. Immunity will not apply, however, to an act or omission that constitutes gross negligence or willful, wanton, or intentional misconduct.

MCL 28.711-28.718

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.