

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 732 Session of
2007

INTRODUCED BY CASORIO, DeWEESE, COHEN, BAKER, BIANCUCCI,
CALTAGIRONE, CAPPELLI, CREIGHTON, CURRY, EVERETT, FRANKEL,
FREEMAN, GEIST, GIBBONS, GOODMAN, GRELL, HARHAI, KOTIK, KULA,
MANN, MARKOSEK, McGEEHAN, MUNDY, M. O'BRIEN, O'NEILL,
PALLONE, PEIFER, PETRARCA, PETRONE, RAYMOND, READSHAW,
REICHLEY, SCAVELLO, SOLOBAY, SONNEY, STABACK, THOMAS, WALKO,
WHEATLEY, WOJNAROSKI, YOUNGBLOOD, MILLARD, K. SMITH,
HORNAMAN, FABRIZIO, SIPTROTH, WANSACZ, DeLUCA AND KORTZ,
MARCH 22, 2007

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, MARCH 22, 2007

AN ACT

1 Establishing the Pennsylvania Senior Alert System; and providing
2 for duties of the Pennsylvania State Police.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Pennsylvania
7 Senior Alert System Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Endangered adult medical alert." An alert indicating that
13 law enforcement authorities are searching for a missing
14 endangered adult.

1 "Missing endangered adult." An individual 18 years of age or
2 older who is reported missing to a law enforcement authority and
3 is or is believed to be:

4 (1) a temporary or permanent resident of Pennsylvania;

5 (2) at a location that cannot be determined by an
6 individual familiar with the missing individual; and

7 (3) incapable of returning to the missing individual's
8 residence without assistance by reason of:

9 (i) mental illness;

10 (ii) mental retardation;

11 (iii) dementia; or

12 (iv) another physical or mental incapacity of
13 managing or directing the management of the individual's
14 property or providing or directing the provisions of
15 self-care.

16 Section 3. Pennsylvania Senior Alert System.

17 The Pennsylvania State Police shall establish and maintain
18 the Pennsylvania Senior Alert System to assist in the recovery
19 of missing endangered adults through prompt notification to the
20 general public and appropriate law enforcement authorities. The
21 Pennsylvania State Police shall establish such protocols and
22 procedures as are necessary for the effective operation of this
23 system and shall educate and inform local law enforcement
24 agencies and the public with regard to its availability.

25 Section 4. Prohibited use.

26 The transmission, broadcast or other communication of a
27 public alert, other than through the Pennsylvania Senior Alert
28 System, intentionally, knowingly, recklessly or negligently
29 purporting to be made by, with or through the authority of the
30 Pennsylvania Senior Alert System is prohibited and shall be

1 subject to a civil penalty of not more than \$5,000.

2 Section 5. Reports of missing endangered adults.

3 (a) General rule.--A law enforcement authority that receives
4 a notification concerning a missing endangered adult from:

5 (1) the missing endangered adult's guardian, custodian
6 or guardian ad litem; or

7 (2) an individual who:

8 (i) provides the missing endangered adult with home
9 health aid services;

10 (ii) possesses a health care power of attorney for
11 the missing endangered adult; or

12 (iii) has evidence that the missing endangered adult
13 has a condition that may prevent the missing endangered
14 adult from returning home without assistance;

15 shall prepare an investigative report on the missing
16 endangered adult if, based on the notification, the law
17 enforcement authority has reason to believe that individual
18 satisfies the definition of a missing endangered adult.

19 (b) Report.--The investigative report described in
20 subsection (a) may include the following:

21 (1) Relevant information obtained from the notification
22 concerning the missing endangered adult, including the
23 following:

24 (i) A physical description of the missing endangered
25 adult.

26 (ii) The date, time and place that the missing
27 endangered adult was last seen.

28 (iii) The missing endangered adult's address.

29 (2) Information gathered by a preliminary investigation,
30 if one was made.

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

(c) Preparation of report.--The law enforcement agency shall prepare the investigative report described by subsections (a) and (b) as soon as practicable and, if possible, not later than five hours after the law enforcement authority receives notification of a missing endangered adult.

(d) Forwarding of report.--Upon completion of the report described in subsections (a) and (b), if the law enforcement authority has reason to believe that public notification may assist in locating the missing endangered adult, the law enforcement authority may immediately forward the contents of the report to:

(1) All law enforcement authorities that have jurisdiction in the location where the missing endangered adult lives and all law enforcement authorities that have jurisdiction in the location where the missing endangered adult was last seen.

(2) All law enforcement authorities to which the person who made the notification concerning the missing endangered adult requests the report be sent, if the law enforcement authority determines that the request is reasonable in light of the information received.

(3) All law enforcement authorities that request a copy of the report.

(4) One or more broadcasters that broadcast in an area where the missing endangered adult may be located.

(5) Any Federal or State data or communication system for information on missing persons.

1 (e) Newspaper distribution.--Upon completion of the report
2 described by subsections (a) and (b), a law enforcement
3 authority may forward a copy of the contents of the report to
4 one or more newspapers distributed in an area where the missing
5 endangered adult may be located.

6 Section 6. Broadcasting or publishing an endangered adult
7 medical alert.

8 A broadcaster or newspaper that received a request concerning
9 a missing endangered adult under section 5(d) or (e) may, at the
10 discretion of the broadcaster or newspaper:

11 (1) Notify the public that there is an endangered adult
12 medical alert.

13 (2) Broadcast or publish the following:

14 (i) A description of the missing endangered adult.

15 (ii) Any other relevant information that would
16 assist in locating the missing endangered adult.

17 Section 7. Investigation concerning a missing endangered adult.

18 A law enforcement authority may begin an investigation
19 concerning a missing endangered adult as soon as possible after
20 receiving notification of the missing endangered adult.

21 Section 8. Notification concerning a missing endangered adult.

22 (a) Duty to notify.--An individual who notifies a law
23 enforcement authority concerning a missing endangered adult
24 shall notify the law enforcement authority when the missing
25 endangered adult is found.

26 (b) False reports.--A person who knowingly gives a false
27 report concerning a missing endangered adult or knowingly gives
28 false information in the official investigation of a missing
29 endangered adult commits a misdemeanor of the second degree. If
30 the false report substantially hinders any law enforcement

1 process or if it results in harm to an innocent person, the
2 offense shall be graded as a misdemeanor of the first degree.

3 Section 9. Immunity.

4 (a) Media immunity.--An owner, licensee, operator and
5 employee of any communication medium, including, but not limited
6 to, telephone, radio, television, newspaper digital
7 communications network or global communications network, shall
8 be immune from civil liability for good faith conduct while
9 participating in accordance with this act.

10 (b) Good Samaritan immunity.--Any person who provides,
11 obtains or attempts to provide or obtain assistance for a
12 missing endangered adult who is the subject of a Pennsylvania
13 Senior Alert System notice shall be immune from civil liability
14 for acts or omissions in providing or obtaining or attempting to
15 provide or obtain assistance except for acts or omissions
16 intended to cause harm and for which the law does not recognize
17 justification or that constitute gross negligence or willful,
18 wanton or reckless conduct.

19 Section 10. Effective date.

20 This act shall take effect immediately.