

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 726 Session of  
2009

INTRODUCED BY YOUNGBLOOD, CRUZ, BROWN, THOMAS, BAKER, BARRAR,  
BOYD, BOYLE, COHEN, DONATUCCI, FRANKEL, GOODMAN, HENNESSEY,  
JOSEPHS, KORTZ, KULA, LONGIETTI, MAHONEY, MANDERINO, MANN,  
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PHILLIPS, READSHAW, K. SMITH, SOLOBAY, STURLA, VULAKOVICH,  
WATSON, WHITE AND LENTZ, MARCH 5, 2009

AS REPORTED FROM COMMITTEE ON AGING AND OLDER ADULT SERVICES,  
HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 25, 2010

## AN ACT

1 ~~Relating to a silver alert program for missing senior citizens.~~ ←  
2 AMENDING THE ACT OF NOVEMBER 24, 2004 (P.L.1270, NO.153), ←  
3 ENTITLED "AN ACT PROVIDING FOR THE PENNSYLVANIA AMBER ALERT  
4 SYSTEM; AUTHORIZING AND DIRECTING THE PENNSYLVANIA STATE  
5 POLICE TO ESTABLISH AND MAINTAIN THE PENNSYLVANIA AMBER ALERT  
6 SYSTEM; ASSESSING COSTS; AND PROVIDING FOR IMMUNITY AND  
7 PENALTIES," FURTHER PROVIDING FOR PENNSYLVANIA AMBER ALERT  
8 SYSTEM ESTABLISHED, FOR PROHIBITED USE, FOR COORDINATION WITH  
9 OTHER JURISDICTIONS AND FOR IMMUNITY; AND CREATING THE  
10 MISSING ENDANGERED PERSON ADVISORY SYSTEM.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 ~~Section 1. Short title.~~ ←

14 ~~This act shall be known and may be cited as the Silver Alert~~  
15 ~~for Missing Senior Citizens Act.~~

16 ~~Section 2. Definitions.~~

17 ~~The following words and phrases when used in this act shall~~  
18 ~~have the meanings given to them in this section unless the~~  
19 ~~context clearly indicates otherwise.~~

~~"Alert." The Statewide silver alert for missing senior citizens developed and implemented under this act.~~

~~"Department." The Department of Aging of the Commonwealth.~~

~~"Local law enforcement agency." A local law enforcement agency with jurisdiction to enforce the laws of this Commonwealth.~~

~~"Senior citizen." A person who is 65 years of age or older.~~

~~Section 3. Silver alert for missing senior citizens.~~

~~The department will cooperate with the Pennsylvania State Police and shall develop and implement a Statewide silver alert to be activated on behalf of a missing senior citizen.~~

~~Section 4. Administration.~~

~~(a) Director. The Secretary of Aging shall appoint a director to serve as the Statewide coordinator of the alert.~~

~~(b) Rules and regulations. The department shall adopt rules and regulations and shall issue directives as necessary to ensure proper implementation of the alert. The rules and regulations must include:~~

~~(1) The procedures to be used by a local law enforcement agency to verify whether a senior citizen:~~

~~(i) is missing; and~~

~~(ii) has an impaired mental condition;~~

~~(2) a description of the circumstances under which a local law enforcement agency is required to report a missing senior citizen to the department; and~~

~~(3) the procedures to be used by an individual or entity to report information about a missing senior citizen to designated media outlets in this Commonwealth.~~

~~Section 5. Department to recruit participants.~~

~~The department shall recruit public and commercial television~~

~~and radio broadcasters, private commercial entities, State or local government entities, the public and other appropriate persons to assist in developing and implementing the alert.~~

~~Section 6. Duties of the Pennsylvania State Police.~~

~~The Pennsylvania State Police shall:~~

~~(1) cooperate with the department and assist in developing and implementing the alert; and~~

~~(2) establish a plan for providing relevant information to the public across this Commonwealth.~~

~~Section 7. Notification to department of a missing senior citizen.~~

~~(a) Notification to department. A local law enforcement agency may notify the department if the agency:~~

~~(1) receives notice of a missing senior citizen;~~

~~(2) verifies that at the time the senior citizen is reported missing:~~

~~(i) the person reported missing is 65 years of age or older;~~

~~(ii) the senior citizen's location is unknown;~~

~~(iii) the senior citizen's domicile is in this Commonwealth;~~

~~(iv) the senior citizen has an impaired mental condition; and~~

~~(3) determines that the senior citizen's disappearance poses a credible threat to the senior citizen's health and safety.~~

~~(b) Local law enforcement agency. The local law enforcement agency shall:~~

~~(1) require the family or legal guardian of the missing senior citizen to provide documentation of the senior~~

~~citizen's impaired mental condition to verify the condition  
as required under subsection (a) (2) (iv); and~~

~~(2) as soon as practicable, determine whether the senior  
citizen's disappearance poses a credible threat to the senior  
citizen's health and safety for purposes of subsection  
(a) (3).~~

~~Section 8. Activation of silver alert.~~

~~(a) Confirmation by department. When a local law  
enforcement agency notifies the department under section 7, the  
department shall confirm the accuracy of the information and, if  
confirmed, immediately issue an alert under this act in  
accordance with department rules.~~

~~(b) Issuance of alert. In issuing the alert, the department  
shall send the alert to designated media outlets in this  
Commonwealth. Following receipt of the alert, participating  
radio stations, television stations and other media outlets may  
issue the alert at designated intervals to assist in locating  
the missing senior citizen.~~

~~Section 9. Content of silver alert.~~

~~The alert must include:~~

~~(1) all appropriate information that is provided by the  
local law enforcement agency that may lead to the safe  
recovery of the missing senior citizen; and~~

~~(2) a statement instructing any person with information  
related to the missing senior citizen to contact a local law  
enforcement agency.~~

~~Section 10. Termination of silver alert.~~

~~(a) Director's duties. The director shall terminate any  
activation of the alert with respect to a particular missing  
senior citizen no later than the earlier of the date on which:~~

1       ~~(1) the missing senior citizen is located or the~~  
2       ~~situation is otherwise resolved; or~~

3       ~~(2) the notification period ends, as determined by~~  
4       ~~department rule.~~

5       ~~(b) Local law enforcement agency. A local law enforcement~~  
6       ~~agency that locates a missing senior citizen who is the subject~~  
7       ~~of an alert shall notify the department as soon as possible that~~  
8       ~~the missing senior citizen has been located.~~

9       ~~Section 11. This act shall take effect in 180 days.~~

10       SECTION 1. SECTIONS 1 AND 2 OF THE ACT OF NOVEMBER 24, 2004  
11       (P.L.1270, NO.153), REFERRED TO AS THE PENNSYLVANIA AMBER ALERT  
12       SYSTEM LAW, ARE AMENDED TO READ:

13       SECTION 1. PENNSYLVANIA AMBER ALERT SYSTEM AND MISSING  
14       ENDANGERED PERSON ADVISORY SYSTEM (MEPAS)  
15       ESTABLISHED.

16       (A) PENNSYLVANIA AMBER ALERT SYSTEM.--THE PENNSYLVANIA STATE  
17       POLICE SHALL ESTABLISH AND MAINTAIN THE PENNSYLVANIA AMBER ALERT  
18       SYSTEM TO ASSIST IN THE RECOVERY OF ABDUCTED CHILDREN THROUGH  
19       PROMPT NOTIFICATION TO THE GENERAL PUBLIC [AND], APPROPRIATE LAW  
20       ENFORCEMENT AUTHORITIES AND OTHER PUBLIC AGENCIES.

21       (B) MISSING ENDANGERED PERSON ADVISORY SYSTEM (MEPAS).--THE  
22       PENNSYLVANIA STATE POLICE SHALL ESTABLISH AND MAINTAIN THE  
23       MISSING ENDANGERED PERSON ADVISORY SYSTEM TO ASSIST IN THE  
24       RECOVERY OF MISSING PERSONS WHO ARE AT SPECIAL RISK OF HARM OR  
25       INJURY, THROUGH PROMPT NOTIFICATION TO THE GENERAL PUBLIC,  
26       APPROPRIATE LAW ENFORCEMENT AUTHORITIES AND OTHER PUBLIC  
27       AGENCIES.

28       SECTION 1.1. DUTIES OF PENNSYLVANIA STATE POLICE.

29       THE PENNSYLVANIA STATE POLICE SHALL ESTABLISH SUCH PROTOCOLS  
30       AND PROCEDURES AS ARE NECESSARY FOR THE EFFECTIVE OPERATION OF

1 [THIS] EACH SYSTEM AND SHALL EDUCATE AND INFORM LOCAL LAW  
2 ENFORCEMENT AGENCIES AND THE PUBLIC WITH REGARD TO [ITS] THE  
3 AVAILABILITY OF EACH SYSTEM.

4 SECTION 2. PROHIBITED USE OF AMBER ALERTS.

5 THE TRANSMISSION, BROADCAST OR OTHER COMMUNICATION OF A  
6 PUBLIC ALERT, OTHER THAN THROUGH THE PENNSYLVANIA AMBER ALERT  
7 SYSTEM, INTENTIONALLY, KNOWINGLY, RECKLESSLY OR NEGLIGENTLY  
8 PURPORTING TO BE MADE BY, WITH OR THROUGH THE AUTHORITY OF THE  
9 PENNSYLVANIA AMBER ALERT SYSTEM IS PROHIBITED AND SHALL BE  
10 SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN \$5,000.

11 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

12 SECTION 2.1. USE OF MISSING AND ENDANGERED PERSON ADVISORY  
13 SYSTEM.

14 THE PENNSYLVANIA MISSING ENDANGERED PERSON ADVISORY SYSTEM  
15 SHALL BE OPERATED BY THE PENNSYLVANIA STATE POLICE. ACTIVATION  
16 MAY BE REQUESTED BY LAW ENFORCEMENT AGENCIES WHEN PUBLIC  
17 ASSISTANCE IS CONSIDERED EXPEDIENT TO THE RECOVERY OF A MISSING  
18 INDIVIDUAL BELIEVED TO BE AT SPECIAL RISK OF HARM OR INJURY. THE  
19 ABILITY OF LAW ENFORCEMENT AGENCIES TO INDEPENDENTLY NOTIFY OR  
20 REQUEST ASSISTANCE FROM THE PUBLIC SHALL NOT BE IMPAIRED OR  
21 RESTRICTED IN ANY WAY.

22 SECTION 3. SECTIONS 3 AND 5 OF THE ACT ARE AMENDED TO READ:

23 SECTION 3. COORDINATION WITH OTHER JURISDICTIONS.

24 THE PENNSYLVANIA STATE POLICE SHALL COORDINATE WITH THE  
25 AUTHORITIES OF THE VARIOUS STATES AND THE FEDERAL GOVERNMENT  
26 THAT ARE RESPONSIBLE WITHIN THEIR RESPECTIVE JURISDICTIONS FOR  
27 THE RECOVERY OF ABDUCTED CHILDREN TO ESTABLISH AND EXECUTE THE  
28 PROCEDURES APPROPRIATE TO THE EFFECTIVE FULFILLMENT OF ITS  
29 RESPONSIBILITIES [UNDER SECTION 1] RELATING TO THE PENNSYLVANIA  
30 AMBER ALERT SYSTEM.

1 SECTION 5. IMMUNITY.

2 (A) MEDIA IMMUNITY.--OWNERS, LICENSEES, OPERATORS AND  
3 EMPLOYEES OF ANY COMMUNICATION MEDIUM, INCLUDING, BUT NOT  
4 LIMITED TO, TELEPHONE, RADIO, TELEVISION, NEWSPAPER, DIGITAL  
5 COMMUNICATIONS NETWORK OR GLOBAL COMMUNICATIONS NETWORK, SHALL  
6 BE IMMUNE FROM CIVIL LIABILITY FOR THEIR GOOD FAITH CONDUCT  
7 WHILE PARTICIPATING IN ACCORDANCE WITH THIS ACT.

8 (B) GOOD SAMARITAN IMMUNITY.--ANY PERSON WHO PROVIDES,  
9 OBTAINS OR ATTEMPTS TO PROVIDE OR OBTAIN ASSISTANCE FOR A CHILD  
10 WHO IS THE SUBJECT OF A PENNSYLVANIA AMBER ALERT SYSTEM NOTICE  
11 OR A PERSON WHO IS THE SUBJECT OF A MISSING ENDANGERED PERSON  
12 ADVISORY SHALL BE IMMUNE FROM CIVIL LIABILITY FOR ACTS OR  
13 OMISSIONS IN PROVIDING OR OBTAINING OR ATTEMPTING TO PROVIDE OR  
14 OBTAIN ASSISTANCE EXCEPT FOR ACTS OR OMISSIONS INTENDED TO CAUSE  
15 HARM AND FOR WHICH THE LAW DOES NOT RECOGNIZE JUSTIFICATION OR  
16 THAT CONSTITUTE GROSS NEGLIGENCE OR WILLFUL, WANTON OR RECKLESS  
17 CONDUCT.

18 SECTION 4. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.