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HOUSE BILL NO. 2372

Offered January 10, 2007
Prefiled January 9, 2007

A BILL to amend the Code of Virginia by adding in Title 52 a chapter numbered 7.2, consisting of sections numbered 52-34.4 through 52-34.6, relating to establishment of a statewide system for notification of missing seniors and impaired adults.

Patrons—Dudley, Byron, Cole, Cosgrove, Crockett-Stark, Landes, O'Bannon and Sherwood

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 52 a chapter numbered 7.2, consisting of sections numbered 52-34.4 through 52-34.6, as follows:

CHAPTER 7.2.

VIRGINIA SENIOR ALERT PROGRAM.

§ 52-34.4. Definitions

As used in this chapter:

"Missing adult" means an adult whose whereabouts are unknown and who is over 65 years of age or suffers a cognitive impairment to the extent that he is unable to provide care to himself without frequent assistance from a caregiver and whose disappearance poses a credible threat as determined by a law enforcement to the health and safety of the adult and under such other circumstances as deemed appropriate by the Virginia State Police.

"Senior Alert Agreement" means a voluntary agreement between law-enforcement officials and members of the media whereby an adult will be declared missing, and the public will be notified, and includes all other incidental conditions of the partnership as found appropriate by the Virginia State Police.

"Senior alert" means the notice of a missing adult provided to the public by the media or other methods under a Senior Alert Agreement.

"Senior Alert Program" or "Program" means the procedures and Senior Alert Agreements to aid in the identification and location of a missing adult.

"Media" means print, radio, television, and Internet-based communication systems or other methods of communicating information to the public.

§ 52-34.5. Establishment of the Virginia Senior Alert Program.

The Virginia State Police shall develop policies for the establishment of uniform standards for the creation of Senior Alert Programs throughout the Commonwealth. Senior Alert Programs may be local, regional, or statewide. They may include multiple localities or regions and may be expanded or compressed. The Virginia State Police may (i) inform local law-enforcement officials of the policies and procedures for the Senior Alert Programs set by the State Police; (ii) assist in determining the geographic scope of a particular Senior Alert; and (iii) establish procedures and standards by which a local law-enforcement agency may verify than an adult is missing and report such information to the Virginia State Police.

The establishment of a Senior Alert Program by a locality and the media is voluntary, and nothing in this chapter shall be construed to be a mandate that local officials or the media establish or participate in a Senior Alert Program. Existing Senior Alert Agreements and Programs shall not be altered by the Act of Assembly creating this chapter.

§52-34.6. Activation of Senior Alert Program upon an incident of a missing adult.

A. Upon receipt of a notice of a missing adult from a law-enforcement agency, the Virginia State Police shall confirm the accuracy of the information and provide assistance in the implementation of the Senior Alert Program as the investigation dictates.

B. Senior Alerts may be local, regional, or statewide. The initial decision to make a local or regional Senior Alert shall be at the discretion of the local or regional law-enforcement officials. Prior to making a local or regional Senior Alert, the local or regional law-enforcement officials shall confer with the Virginia State Police and provide information regarding the missing adult to the Virginia State Police. The initial decision to make a statewide Senior Alert shall be at the discretion of the Virginia State Police.

C. In those situations where appropriate, the Virginia State Police shall send the Senior Alert to Virginia's emergency alert system. Participating media are encouraged to issue the alert at designated intervals as specified by the Senior Alert Program.

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D. The Senior Alert shall include such information as the law-enforcement agency deems appropriate that will assist in the safe recovery of the missing adult.

E. The Senior Alert shall be cancelled under the terms of the Senior Alert Agreement. Any local law-enforcement agency that locates a missing adult who is the subject of an alert shall notify the Virginia State Police immediately that the missing adult has been located.