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SENATE BILL NO. 1117

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 22, 2007)

(Patron Prior to Substitute—Senator Rerras)

A BILL to amend the Code of Virginia by adding a section numbered 15.2-1718.1 and 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.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-1718.1 and by adding in Title 52 a chapter numbered 7.2, consisting of sections numbered 52-34.4 through 52-34.6, as follows:

§ 15.2-1718.1. Receipt of missing senior adult reports.

A. No police or sheriff's department shall establish or maintain any policy which requires the observance of any waiting period before accepting a missing senior adult report. Upon receipt of a missing senior adult report by any police or sheriff's department, the department shall immediately, but in all cases within two hours of receiving the report, enter identifying and descriptive data about the senior adult into the Virginia Criminal Information Network and the National Crime Information Center Systems, forward the report to the Department of State Police, notify all other law-enforcement agencies in the area, and initiate an investigation of the case.

B. For purposes of this section:

"Missing senior adult report" means a report prepared in a format prescribed by the Superintendent of State Police for use by law-enforcement agencies to report missing senior adult information and photograph to the Department of State Police.

CHAPTER 7.2.

VIRGINIA SENIOR ALERT PROGRAM.

§ 52-34.4. Definitions

As used in this chapter:

"Missing senior adult" means an adult whose whereabouts are unknown and who is over 60 years of age and suffers a cognitive impairment to the extent that he is unable to provide care to himself without assistance from a caregiver and whose disappearance poses a credible threat as determined by a law-enforcement agency 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 a senior adult will be declared missing, and the public will be notified by media outlets, 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 senior 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 senior 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. The Virginia State Police shall (i) inform local law-enforcement officials of the policies and procedures to be used for the Senior Alert Programs; (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 shall verify that a senior adult is missing and shall report such information to the Virginia State Police.

The establishment of a Senior Alert Program by a local law-enforcement agency 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.

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

A. Upon receipt of a notice of a missing senior adult from a law-enforcement agency, the Virginia State Police shall confirm the accuracy of the information and provide assistance in the activation 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 Senior Alert shall be at the discretion of the local law-enforcement official. Prior to making a local Senior

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60 *Alert, the local law-enforcement official shall confer with the Virginia State Police and provide*
61 *information regarding the missing senior adult to the Virginia State Police. The decision to make a*
62 *regional or statewide Senior Alert shall be at the discretion of the Virginia State Police.*

63 *C. The Senior Alert shall include the missing senior adult information as defined in § 15.2-1718.1*
64 *and any other such information as the law-enforcement agency deems appropriate that will assist in the*
65 *safe recovery of the missing senior adult.*

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

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