

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Establish the Silver Alert Program

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 25 MRSA c. 259 is enacted to read:

CHAPTER 259

SILVER ALERT PROGRAM

§ 2201. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

- 1. Commissioner.** "Commissioner" means the Commissioner of Public Safety.
- 2. Department.** "Department" means the Department of Public Safety.
- 3. Missing adult.** "Missing adult" means a person:
 - A. Who is developmentally impaired or who suffers from dementia or some other cognitive impairment;
 - B. Whose temporary or permanent residence is in or is believed to be in this State;
 - C. Whose whereabouts is unknown; and
 - D. Whose disappearance would pose a credible threat to the safety and health of the person as determined by a local law enforcement agency.
- 4. Media.** "Media" means print, radio, television, Internet-based communication systems or other methods of communicating information to the public.
- 5. Silver Alert.** "Silver Alert" or "alert" means a notice provided under this chapter to the public through law enforcement and the media.
- 6. Silver Alert Program.** "Silver Alert Program" means the statewide alert program for missing adults developed and implemented under this chapter.

§ 2202. Silver Alert Program

In accordance with this chapter and with the cooperation of the Department of Transportation, the Maine Turnpike Authority, the Maine Association of Broadcasters or successor organization, the Office of the Governor and appropriate law enforcement agencies, the department shall develop and implement

the Silver Alert Program to be activated on behalf of missing adults. The program must include a plan for providing relevant information to the public through an existing system of dynamic message signs located across the State. The Silver Alert Program must be developed and implemented using existing resources.

§ 2203. Notification to department of missing adult

1. Report. In order to activate an alert under the Silver Alert Program, a family member or legal guardian of a missing adult must submit a missing adult report to the local law enforcement agency.

2. Filing of report. Upon receipt of the report under subsection 1, the local law enforcement agency shall immediately:

A. Notify the department;

B. Inform all on-duty law enforcement officers in the county in which the missing adult was reported missing of the report;

C. Communicate the report to every other law enforcement agency having jurisdiction in the county in which the report was filed; and

D. Enter the report for inclusion in the computer files on missing adults of the department and the United States Department of Justice, Federal Bureau of Investigation, National Crime Information Center.

3. Activation of alert. When the department has verified that a missing adult is missing, the department shall issue an alert under this chapter and in accordance with department rules.

A. The alert must be sent to designated media outlets in the State, including participating radio stations and television stations, who shall issue the alert at intervals as determined by department rule.

B. The alert must also be sent to the Department of Transportation and the Maine Turnpike Authority.

C. The alert must include all appropriate information from the local law enforcement agency that may assist in the safe recovery of a missing adult. The alert must include a statement instructing anyone with information related to the missing adult to contact a local law enforcement agency.

D. A law enforcement agency that locates a missing adult who is the subject of an alert shall notify the local law enforcement agency and the department as soon as possible that the missing adult has been found.

§ 2204. Termination of Silver Alert

1. Termination. The department shall terminate a Silver Alert not later than the earlier of the date on which:

- A. The missing adult is located or the situation is otherwise resolved; or
- B. The notification period ends, as determined by department rule.

2. Location. A local law enforcement agency that locates a missing adult who is the subject of an alert shall notify the department as soon as possible that the missing adult has been located.

§ 2205. Rules

The commissioner shall adopt rules for the implementation of this chapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 25 MRSA §2803-B, sub-§1, ¶K, as amended by PL 2009, c. 451, §2, is further amended to read:

K. Digital, electronic, audio, video or other recording of law enforcement interviews of suspects in serious crimes and the preservation of investigative notes and records in such cases; ~~and~~

Sec. 3. 25 MRSA §2803-B, sub-§1, ¶L, as enacted by PL 2009, c. 451, §3, is amended to read:

L. Mental illness and the process for involuntary commitment; and

Sec. 4. 25 MRSA §2803-B, sub-§1, ¶M is enacted to read:

M. Missing adults as defined in section 2201, subsection 3.

Sec. 5. 25 MRSA §2803-B, sub-§2, as amended by PL 2009, c. 336, §18 and c. 451, §4, is repealed and the following enacted in its place:

2. Minimum policy standards. The board shall establish minimum standards for each law enforcement policy no later than June 1, 1995, except that policies for expanded requirements for domestic violence under subsection 1, paragraph D, subparagraphs (1) to (3) must be established no later than January 1, 2003; policies for death investigations under subsection 1, paragraph I must be established no later than January 1, 2004; policies for public notification regarding persons in the community required to register under Title 34-A, chapter 15 under subsection 1, paragraph J must be established no later than January 1, 2006; policies for the recording and preservation of interviews of suspects in serious crimes under subsection 1, paragraph K must be established no later than January 1, 2005; policies for the expanded use of physical force, including the use of electronic weapons and less-than-lethal munitions, under subsection 1, paragraph A must be established no later than January 1, 2010; policies for mental illness and the process for involuntary commitment under subsection 1, paragraph L must be established no later than January 1, 2010; and policies for missing adults under subsection 1, paragraph M must be established no later than January 1, 2011.

Sec. 6. 25 MRSA §2803-B, sub-§3, as amended by PL 2009, c. 336, §18 and c. 451, §5, is repealed and the following enacted in its place:

3. Agency compliance. The chief administrative officer of each law enforcement agency shall certify to the board no later than January 1, 1996 that the agency has adopted written policies consistent with the minimum standards established by the board pursuant to subsection 2, except that certification

to the board for expanded policies for domestic violence under subsection 1, paragraph D, subparagraphs (1) to (3) must be made to the board no later than June 1, 2003; certification to the board for adoption of a death investigation policy under subsection 1, paragraph I must be made to the board no later than June 1, 2004; certification to the board for adoption of a public notification policy under subsection 1, paragraph J must be made to the board no later than June 1, 2006; certification to the board for adoption of a policy for the recording and preservation of interviews of suspects in serious crimes under subsection 1, paragraph K must be made to the board no later than June 1, 2005; certification to the board for adoption of an expanded use of physical force policy under subsection 1, paragraph A must be made to the board no later than June 1, 2010; certification to the board for adoption of a policy regarding mental illness and the process for involuntary commitment under subsection 1, paragraph L must be made to the board no later than June 1, 2010; and certification to the board for adoption of a policy for missing adults under subsection 1, paragraph M must be made to the board no later than June 1, 2011. The certification must be accompanied by copies of the agency policies. The chief administrative officer of each agency shall certify to the board no later than June 1, 1996 that the agency has provided orientation and training for its members with respect to the policies, except that certification for orientation and training with respect to expanded policies for domestic violence under subsection 1, paragraph D, subparagraphs (1) and (3) must be made to the board no later than January 1, 2004; certification for orientation and training with respect to policies regarding death investigations under subsection 1, paragraph I must be made to the board no later than January 1, 2005; certification for orientation and training with respect to policies regarding public notification under subsection 1, paragraph J must be made to the board no later than January 1, 2007; certification for orientation and training with respect to policies regarding the recording and preservation of interviews of suspects in serious crimes under subsection 1, paragraph K must be made to the board no later than January 1, 2006; certification for orientation and training with respect to policies regarding expanded use of physical force under subsection 1, paragraph A must be made to the board no later than January 1, 2011; certification for orientation and training with respect to policies regarding mental illness and the process for involuntary commitment under subsection 1, paragraph L must be made to the board no later than January 1, 2011; and certification for orientation and training with respect to policies regarding missing adults under subsection 1, paragraph M must be made to the board no later than January 1, 2012.

SUMMARY

This bill establishes the Silver Alert Program. The Silver Alert Program is a statewide alert program for missing adults with disabilities.

This bill requires all law enforcement agencies to adopt written policies regarding missing adults with disabilities and requires the Board of Trustees of the Maine Criminal Justice Academy to establish mandatory minimum standards for such policies by no later than January 1, 2011. It further requires all law enforcement agencies to certify to the Board of Trustees of the Maine Criminal Justice Academy by no later than June 1, 2011 that their policies are consistent with the minimum standards established by the board and to certify to the Board of Trustees of the Maine Criminal Justice Academy by no later than January 1, 2012 that all law enforcement officers have received orientation and training with respect to the policies.