SPONSOR: Rep. Viola & Sen. Townsend
Reps. Brady, Hudson, Jaques, Keeley, Kowalko, Mitchell, Smyk, Wilson; Sens. Ennis, Sokola

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 368
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE GREEN ALERT PROGRAM FOR CERTAIN MISSING PERSONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 85, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter VII-A. Green Alert Program for Certain Missing Persons.

§ 8580A. Definitions.

As used in this subchapter:

(1) "ACIM Alert Program" or "ACIM" means "A Child is Missing Alert Program," a national rapid-response communication network that offers free assistance to law-enforcement agencies to aid in the recovery, identity, or apprehension of missing persons through the use of immediate public notification and dissemination of information via telephone in a targeted community.

(2) "Gold Alert Program" means as defined in § 8580 of this title.

(3) "Green Alert Program" or "Green Alert" means the procedures used to aid in the identification of a missing member of the armed forces.

(4) "Investigating law-enforcement agency" means the law-enforcement agency that has primary jurisdiction in the area in which a complaint regarding a missing member of the armed forces is filed.

(5) "Missing member of the armed forces" means an individual who meets all of the following:

a. The individual's location is unknown.

b. The individual's domicile is in this State at the time the individual is reported missing.

c. The individual is a veteran or is an active duty member of the United States Armed Forces, including the National Guard or the reserves.

d. The individual is known to have a physical or mental health condition that is related to the individual's

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service as an active duty member of the United States Armed Forces, including the National Guard or reserves.

e. The individual's disappearance poses a credible threat to the health or safety of the individual, as determined by the investigating law enforcement agency.

(6) "Veteran" means an individual who has served in the United States Armed Forces, including the National Guard or the reserves.

§ 8581A. Establishment of the Delaware Green Alert Program.

(a) Each law-enforcement agency shall implement a Green Alert Program, consistent with the ACIM Alert Program and the Gold Alert Program, for missing members of the armed forces.

(b) Each law enforcement agency may promulgate necessary rules and regulations to implement the Green Alert Program. The rules and regulations must include the following:

(1) Procedures for the use of the Delaware Information Analysis Center to provide support to the investigating law-enforcement agency as a resource for the receipt, analysis, and dissemination of information regarding a missing member of the armed forces and the whereabouts of the missing member of the armed forces.

(2) Procedures for the investigating law-enforcement agency to use to verify whether a missing member of the armed forces is missing and the circumstances under which the agency must enter descriptive information of the missing member of the armed forces into the Delaware Criminal Justice Information System and the National Crime Information Center system.

(3) The process for reporting the information to designated media outlets for this State.

(c) The Delaware State Police shall adopt rules and regulations for the use of the Delaware Information and Analysis Center to assist investigating law-enforcement agencies during their investigations as a resource for the receipt, analysis, and dissemination of information to those agencies that have a need and right to know about a missing member of the armed forces.

(d) The Department of Transportation shall adopt rules and regulations for the display on its variable message signs of appropriate information that may assist in the safe return of a missing member of the armed forces, consistent with the Manual on Uniform Traffic Control Devices and federal requirements.

§ 8582A. Activation of the Green Alert Program.

(a)(1) If an investigating law-enforcement agency receives notice that an individual is a missing member of the armed forces, the agency shall solicit information from the family or legal guardian of the missing member of the armed forces to provide information regarding the physical or mental condition of the missing member of the armed forces.

(2) If the investigating law-enforcement agency verifies that the individual is a missing member of the armed forces, the investigating law-enforcement agency shall enter the descriptive information of the missing member of the armed forces into the Delaware Criminal Justice Information System and the National Crime Information Center system.

(3) The investigating law-enforcement agency shall notify the Delaware Information Analysis Center that of the missing member of the armed forces. The Delaware Information Analysis Center shall make all the necessary notifications and assist the investigating law-enforcement agency.

(b)(1) If an investigating law-enforcement agency verifies that an individual is a missing member of the armed forces, the investigating law-enforcement agency shall send an alert to designated media outlets for this State.

(2) The alert must include all appropriate information that may assist in the safe return of the missing member of the armed forces, along with a statement instructing anyone with information relating to the missing member of the armed forces to contact the investigating law-enforcement agency or another law-enforcement agency.

(3) If an investigating law-enforcement agency verifies that an individual is a missing member of the armed forces, the investigating law-enforcement agency shall contact the Department of Transportation. The Department of Transportation shall display on its variable message signs appropriate information that may assist in the safe return of the missing member of the armed forces.

§ 8583A Cancellation of a Green Alert.

(a) The investigating law-enforcement agency shall notify the designated media outlets when a Green Alert has been cancelled.

(b) A law-enforcement agency that locates a missing member of the armed forces who is the subject of a Green Alert shall notify Delaware Criminal Justice Information System, the National Crime Information Center, and the Delaware Information and Analysis Center as soon as possible that the missing member of the armed forces has been located.