SPONSOR: Sen. Poore & Rep. Griffith & Rep. Bush
Sens. Brown, Buckson, Gay, Hansen, Hocker, Hoffner, Huxtable, Lawson, Lockman, Mantzavinos, S. McBride, Paradee, Pettyjohn, Pinkney, Richardson, Sokola, Sturgeon, Townsend, Walsh, Wilson; Reps. Briggs King, Gray, Heffernan, K. Johnson, Neal

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 108
AS AMENDED BY
SENATE AMENDMENT NO. 1

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

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

Section 1. Amend § 8580, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8580. Definitions.

(2) "Gold Alert Program" or "Program" means the procedures used to aid in the identification and location of a missing person as defined under paragraphs ~~(4), (5), and (6)~~ (4), (5), (6), and (7) of this section. Gold Alerts may be local, regional, or statewide. The initial decision to issue a local Gold Alert is at the discretion of the investigating law-enforcement agency.

(4) "Missing person with a disability" means a person who is all of the following:

a. Whose whereabouts are ~~unknown;~~ unknown.

b. Whose domicile at the time that the person is reported missing is ~~Delaware;~~ Delaware.

c. Who has a ~~disability; and,~~ disability.

d. Whose disappearance poses a credible threat to the health or safety of the person, as determined by the investigating law enforcement agency.

(5) "Missing senior citizen" means a person who is all of the following:

a. Whose whereabouts are ~~unknown;~~ unknown.

b. Whose domicile at the time that the person is reported is missing is ~~Delaware;~~ Delaware.

c. Whose age at the time that the person is first reported missing is 60 years of age or ~~older; and~~ older.

d. Whose disappearance poses a credible threat to the health or safety of the person, as determined by the investigating law enforcement agency.

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(6) “Missing suicidal person” means a person who is all of the following:

a. Whose whereabouts are ~~unknown;~~ unknown.

b. Whose domicile at the time that the person is reported missing is ~~Delaware;~~ Delaware.

c. Whose disappearance is ~~voluntary; and~~ voluntary.

d. Whose statement, actions, or conduct indicate that the missing person may voluntarily cause or inflict harm on ~~himself of herself~~ themselves, and whose disappearance poses a credible threat to the health or safety of the person, as determined by the investigating law enforcement agency.

(7) “Missing child” means a person who is all of the following:

a. Whose whereabouts are unknown.

b. Whose domicile at the time that the person is reported missing is Delaware.

c. Who is a minor who has not married, and who resides with a parent or other legal guardian.

d. Whose disappearance does not meet the criteria for an Amber Alert but does pose a credible threat to the health and safety of the person, as determined by the investigating law-enforcement agency.

Section 2. Amend § 8581, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(a) Each investigating law-enforcement agency shall implement an alert program, consistent with the ACIM Alert Program, for missing senior citizens, missing suicidal ~~persons, and~~ persons, missing persons with disabilities, and missing children, and may promulgate necessary rules and regulations for the program. The rules and regulations shall include the following:

(1) Procedures for the use of the Delaware Information Analysis Center ~~(DIAC)~~ (“DIAC”) to provide support to the investigating law-enforcement agency as a resource for the receipt, analysis, and dissemination of information regarding the missing person and the missing person’s ~~whereabouts;~~ whereabouts.

(2) Procedures for the investigating law-enforcement agency to use to verify whether a senior citizen, a suicidal ~~person, or~~ person, a person with a ~~disability~~ disability, or a missing child is missing and the circumstances under which the agency must enter descriptive information of the missing person into the Delaware Criminal Justice Information System ~~(DELJIS)~~ (“DELJIS”) and the National Crime Information Center ~~(NCIC)~~ (“NCIC”) system. The investigating law-enforcement agency shall further notify ~~the Delaware Information Analysis Center (DIAC),~~ DIAC, who shall make all the necessary notifications and assist the investigating law-enforcement ~~agency; and~~ agency.

(3) The process for reporting the information to designated media outlets in Delaware.

(b) The Delaware State Police shall adopt rules and regulations for the use of ~~the~~ DIAC 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 the missing person.

Section 3. Amend § 8582, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(a) When a law-enforcement agency receives notice that a senior citizen, a suicidal ~~person, or~~ person, a person with a ~~disability~~ disability, or a missing child is missing, the agency shall solicit information from the missing person's family or legal guardian to provide information regarding the missing person's physical or mental condition, or both. When the investigating law-enforcement agency verifies that the person is missing, the investigating law-enforcement agency shall enter the descriptive information of the missing person into ~~the Delaware Criminal Justice Information System (DELJIS)~~ DELJIS and the ~~National Crime Information Center (NCIC)~~ NCIC system. The investigating law-enforcement agency shall further notify ~~the Delaware Information Analysis Center (DIAC)~~ DIAC, who shall make all the necessary notifications and assist the investigating law-enforcement agency.

(b) When an investigating law-enforcement agency has verified that a senior citizen, a suicidal ~~person, or~~ person, a person with a ~~disability~~ disability, or a missing child is missing, the investigating law-enforcement agency shall send an alert to designated media outlets in Delaware. The alert must include all appropriate information that may assist in the safe return of the missing senior citizen, suicidal ~~person, or~~ person, person with a ~~disability~~ disability, or a missing child along with a statement instructing anyone with information relating to the missing person to contact the investigating law-enforcement agency or a law-enforcement agency within their jurisdiction. Additionally, when an investigating law-enforcement agency has verified that a senior citizen, a suicidal ~~person, or~~ person, a person with a ~~disability~~ disability, or a missing child is missing, the investigating law-enforcement agency shall contact the Department of Transportation. 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 the missing senior citizen, suicidal ~~person, or~~ person, person with a ~~disability~~ disability, or a missing child consistent with the Manual on Uniform Traffic Control Devices and federal requirements.

Section 4. Amend § 8583, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(b) A law-enforcement agency that locates a missing person who is the subject of a Gold Alert shall notify DELJIS, NCIC, and ~~the DIAC~~ DIAC as soon as possible that the missing person has been located.