

SPONSOR: Sen. Ennis & Rep. Maier, & Sen. Peterson, & Sen. Connor
Sen. Venables, Sen. Bonini; Reps. Spence, Blakey, Hocker,
Hudson, Keeley, Lavelle, Stone, Viola, Wagner

DELAWARE STATE SENATE

144th GENERAL ASSEMBLY

SENATE BILL NO. 227
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO 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 creating a new subchapter to read as follows:

"Subchapter VII. Gold Alert Program for Certain Missing Persons

§8580. Definitions.

The following words, terms, and phrases when used in this subchapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) 'ACIM Alert Program' or 'ACIM' means 'A Child is Missing alert program'. The ACIM alert program is 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' or 'Program' means the procedures used to aid in the identification and location of a missing person as defined under subsections (4), (5), and (6) 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.

(3) 'Investigating law enforcement agency' means the law enforcement agency which has primary jurisdiction in the area in which a missing-person complaint has been filed.

(4) 'Missing person with a disability' means a person:

(A) whose whereabouts are unknown;

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(B) whose domicile at the time that he or she is reported missing is Delaware;

(C) who has a disability; and,

(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:

(A) whose whereabouts are unknown;

(B) whose domicile at the time that he or she is reported is missing is Delaware;

(C) whose age at the time that he or she is first reported missing is sixty years of age or older; and

(D) whose disappearance poses a credible threat to the health or safety of the person, as determined by the investigating law enforcement agency.

(6) 'Missing suicidal person' means a person:

(A) whose whereabouts are unknown;

(B) whose domicile at the time that he or she is reported missing is Delaware;

(C) whose disappearance is voluntary; and

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

§8581. Establishment of the Delaware Gold Alert Program.

(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 missing persons with disabilities, 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) 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 his or her whereabouts;

(2) procedures for the investigating law enforcement agency to use to verify whether a senior citizen, a suicidal person, or a person with a disability 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) and the National Crime Information Center (NCIC) system. The investigating law enforcement agency shall further notify the Delaware

Information Analysis Center (DIAC), who shall make all the necessary notifications and assist the investigating law enforcement agency; and

(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.

§8582. Activation of the Gold Alert Program..

(a) When a law enforcement agency receives notice that a senior citizen, a suicidal person, or a person with a disability 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) and the National Crime Information Center (NCIC) system. The investigating law enforcement agency shall further notify the Delaware Information Analysis Center (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 a person with a disability 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 with a disability, 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.

§8583. Cancellation of a Gold Alert.

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

(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 as soon as possible that the missing person has been located.".

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