

First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 07-0177.01 Michael Dohr

HOUSE BILL 07-1005

HOUSE SPONSORSHIP

Soper,

SENATE SPONSORSHIP

Morse,

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING AN ALERT PROGRAM FOR MISSING PERSONS WITH**
102 **DEVELOPMENTAL DISABILITIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Adds missing persons with developmental disabilities to the existing alert program for missing senior citizens.

1 *Be it enacted by the General Assembly of the State of Colorado:*
2 **SECTION 1.** 24-33.5-415.8, Colorado Revised Statutes, is

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
February 6, 2007

SENATE
2nd Reading Unamended
February 5, 2007

HOUSE
3rd Reading Unamended
January 23, 2007

HOUSE
Amended 2nd Reading
January 22, 2007

1 amended to read:

2 **24-33.5-415.8. Missing senior citizen and person with**
3 **developmental disabilities alert program.** (1) The general assembly
4 hereby finds that, in the case of a missing senior citizen OR MISSING
5 PERSON WITH DEVELOPMENTAL DISABILITIES, the first few hours are
6 critical in finding the senior citizen OR PERSON WITH DEVELOPMENTAL
7 DISABILITIES. To aid in the identification and location of missing senior
8 citizens AND MISSING PERSONS WITH DEVELOPMENTAL DISABILITIES, there
9 is hereby created the missing senior citizen AND MISSING PERSON WITH
10 DEVELOPMENTAL DISABILITIES alert program, referred to in this section as
11 the "program", to be implemented by the bureau. The program shall be
12 a coordinated effort among the bureau, local law enforcement agencies,
13 and the state's public and commercial television and radio broadcasters.

14 (2) For the purposes of this section:

15 (a) "MISSING PERSON WITH DEVELOPMENTAL DISABILITIES" MEANS
16 A PERSON:

17 (I) WHOSE WHEREABOUTS ARE UNKNOWN;

18 (II) WHOSE DOMICILE AT THE TIME HE OR SHE IS REPORTED
19 MISSING IS COLORADO;

20 (III) WHO HAS A VERIFIED DEVELOPMENTAL DISABILITY; AND

21 (IV) WHOSE DISAPPEARANCE POSES A CREDIBLE THREAT TO THE
22 SAFETY AND HEALTH OF HIMSELF OR HERSELF, AS DETERMINED BY A
23 LOCAL LAW ENFORCEMENT AGENCY.

24 (b) "Missing senior citizen" means a person:

25 (a) (I) Whose whereabouts are unknown;

26 (b) (II) Whose domicile at the time he or she is reported missing
27 is Colorado;

1 ~~(c)~~ (III) Whose age at the time he or she is first reported missing
2 is sixty years of age or older and who has a verified impaired mental
3 condition; and

4 ~~(d)~~ (IV) Whose disappearance poses a credible threat to the safety
5 and health of the person, as determined by a local law enforcement
6 agency.

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8 ██████████

9 (3) (a) The bureau shall implement the program as provided in this
10 subsection (3) and pursuant to rules promulgated as provided in
11 subsection (4) of this section.

12 (b) (I) When a local law enforcement agency receives notice that
13 a senior citizen is missing, the agency shall require the senior citizen's
14 family or legal guardian to provide documentation of the senior citizen's
15 impaired mental condition. The agency may follow a procedure
16 established by rule to verify the senior citizen is missing and has an
17 impaired mental condition. Once the local law enforcement agency
18 verifies the senior citizen is missing and has a verified impaired mental
19 condition, the local law enforcement agency may notify the bureau.

20 (II) WHEN A LOCAL LAW ENFORCEMENT AGENCY RECEIVES NOTICE
21 THAT A PERSON WITH DEVELOPMENTAL DISABILITIES IS MISSING, THE
22 AGENCY SHALL REQUIRE THE FAMILY, LEGAL GUARDIAN, OR SERVICE
23 PROVIDER OF THE MISSING PERSON WITH DEVELOPMENTAL DISABILITIES TO
24 PROVIDE DOCUMENTATION OF THE PERSON'S DEVELOPMENTAL DISABILITY.
25 THE AGENCY MAY FOLLOW A PROCEDURE ESTABLISHED BY RULE TO
26 VERIFY THE PERSON IS MISSING AND HAS A DEVELOPMENTAL DISABILITY.
27 ONCE THE LOCAL LAW ENFORCEMENT AGENCY VERIFIES THE PERSON WITH

1 DEVELOPMENTAL DISABILITIES IS MISSING, THE LOCAL LAW ENFORCEMENT
2 AGENCY MAY NOTIFY THE BUREAU.

3 (c) When notified by a local law enforcement agency that a senior
4 citizen is missing and has a verified impaired mental condition OR A
5 PERSON WITH DEVELOPMENTAL DISABILITIES IS MISSING, the bureau shall
6 confirm the accuracy of the information and then issue an alert.

7 (d) The alert shall be sent to designated media outlets in Colorado.
8 Participating radio stations, television stations, and other media outlets
9 may issue the alert at designated intervals as specified by rule.

10 (e) The alert shall include all appropriate information from the
11 local law enforcement agency that may assist in the safe recovery of the
12 missing senior citizen OR MISSING PERSON WITH DEVELOPMENTAL
13 DISABILITIES and a statement instructing anyone with information related
14 to the missing senior citizen OR MISSING PERSON WITH DEVELOPMENTAL
15 DISABILITIES to contact his or her local law enforcement agency.

16 (f) The alert shall be cancelled upon bureau notification that the
17 missing senior citizen OR MISSING PERSON WITH DEVELOPMENTAL
18 DISABILITIES has been found or at the end of the notification period,
19 whichever occurs first. A local law enforcement agency that locates a
20 missing senior citizen OR MISSING PERSON WITH DEVELOPMENTAL
21 DISABILITIES who is the subject of an alert shall notify the bureau; as soon
22 as possible that the missing senior citizen OR MISSING PERSON WITH
23 DEVELOPMENTAL DISABILITIES has been located.

24 (4) The executive director of the department of public safety shall
25 promulgate rules in accordance with the "State Administrative Procedure
26 Act", article 4 of this title, for the implementation of the program. The
27 rules shall include, but need not be limited to:

1 (a) Procedures for a local law enforcement agency to use to verify
2 whether a senior citizen OR PERSON WITH DEVELOPMENTAL DISABILITIES
3 is missing and to verify whether a senior citizen has an impaired mental
4 condition OR A PERSON HAS A DEVELOPMENTAL DISABILITY and the
5 circumstances under which the agency shall report the missing senior
6 citizen OR MISSING PERSON WITH DEVELOPMENTAL DISABILITIES to the
7 bureau;

8 (b) The process to be followed by the bureau in confirming the
9 local law enforcement agency's information;

10 (c) The process for reporting the information to designated media
11 outlets in Colorado; and

12 (d) Any additional processes concerning implementation of the
13 program.

14 **SECTION 2. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.