

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 07-0177.01 Michael Dohr

HOUSE BILL 07-1005

HOUSE SPONSORSHIP

Soper,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

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.*

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 PERSON WITH
5 DEVELOPMENTAL DISABILITIES, the first few hours are critical in finding
6 the senior citizen OR PERSON WITH DEVELOPMENTAL DISABILITIES. To aid
7 in the identification and location of missing senior citizens AND PERSONS
8 WITH DEVELOPMENTAL DISABILITIES, there is hereby created the missing
9 senior citizen AND PERSON WITH DEVELOPMENTAL DISABILITIES alert
10 program, referred to in this section as the "program", to be implemented
11 by the bureau. The program shall be a coordinated effort among the
12 bureau, local law enforcement agencies, and the state's public and
13 commercial television and radio broadcasters.

14 (2) For the purposes of this section:

15 (a) "Missing senior citizen" means a person:

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

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

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

22 (d) (IV) Whose disappearance poses a credible threat to the safety
23 and health of the person, as determined by a local law enforcement
24 agency.

25 (b) "MISSING PERSON WITH DEVELOPMENTAL DISABILITIES" MEANS
26 A PERSON:

27 (I) WHOSE WHEREABOUTS ARE UNKNOWN;

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

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

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

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

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

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

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

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

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

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

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

25 (a) Procedures for a local law enforcement agency to use to verify
26 whether a senior citizen OR PERSON WITH DEVELOPMENTAL DISABILITIES
27 is missing and to verify whether a senior citizen has an impaired mental

1 condition OR A PERSON HAS A DEVELOPMENTAL DISABILITY and the
2 circumstances under which the agency shall report the missing senior
3 citizen OR PERSON WITH DEVELOPMENTAL DISABILITIES to the bureau;

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

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

8 (d) Any additional processes concerning implementation of the
9 program.

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