

JAN 19 2024

---

---

# A BILL FOR AN ACT

RELATING TO MISSING PERSONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the State must  
2 protect vulnerable kupuna and persons with cognitive impairments  
3 or developmental disabilities who are missing. More than half  
4 of states nationwide have established silver alert programs  
5 modeled after the amber alert program.

6           Broadcasters use systems like the emergency alert system,  
7 formerly known as the emergency broadcast system, or wireless  
8 emergency alert, to communicate emergency alerts and warning  
9 messages to the public.

10           There are many emergency situations in which the use of  
11 these broadcast systems could save lives by helping to identify  
12 missing individuals with cognitive impairments, developmental  
13 disabilities, or the elderly. However, there is no statutory  
14 process which requires its use.

15           The purpose of this Act is to establish a silver alert  
16 program within the department of law enforcement to alert the  
17 public of missing persons for whom there is a credible threat to



1 their health and safety. To the greatest extent possible, the  
2 alert shall provide protection of the privacy, dignity, and  
3 independence of the missing person by including standards aimed  
4 at preventing the inadvertent or unnecessary broadcasting or  
5 dissemination of sensitive health and diagnostic information.

6 SECTION 2. Chapter 353C, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "§353C- Silver alert program; missing vulnerable  
9 persons. (a) The department of law enforcement shall develop  
10 and implement a silver alert program to rapidly disseminate  
11 information about a person subject to the alert.

12 (b) If a person is reported missing to a law enforcement  
13 agency and that agency determines that the requirements of  
14 subsection (g) are met, the agency may request the department of  
15 law enforcement to activate a silver alert. If the department  
16 of law enforcement concurs that the requirements of subsection  
17 (g) are met, the department of law enforcement shall activate a  
18 silver alert within the geographical area requested by the  
19 investigating law enforcement agency.



1        (c) Radio, television, cable, and satellite systems are  
2 encouraged to, but not required to, cooperate with disseminating  
3 the information contained in a silver alert.

4        (d) Upon activation of a silver alert, if the department  
5 of law enforcement believes the criteria of subsection (g)(4) is  
6 met, the department shall assist the investigating law  
7 enforcement agency by issuing a be-on-the-lookout alert, issuing  
8 an electronic flyer, or activating a changeable message sign, as  
9 permissible.

10       (e) The department of law enforcement may use, as  
11 permitted, the Wireless Emergency Alert.

12       (f) The department of law enforcement may use, as  
13 permitted, a changeable message sign, if the following  
14 conditions are met:

15       (1) The investigating law enforcement agency determines  
16 that a vehicle may be involved in the missing person  
17 incident; and

18       (2) Specific vehicle identification is available for  
19 public dissemination.

20       (g) A law enforcement agency may request from the  
21 department of law enforcement that a silver alert be activated



1 if that agency determines that all of the following conditions  
2 are met regarding the investigation of the missing person:

3 (1) The missing person is sixty-five years of age or  
4 older, cognitively impaired, or developmentally  
5 disabled;

6 (2) The law enforcement agency has utilized all available  
7 local resources;

8 (3) The law enforcement agency determines that the person  
9 has gone missing under unexplained or suspicious  
10 circumstances;

11 (4) The law enforcement agency believes that the person is  
12 in danger because of age, health, mental or physical  
13 disability, or environment or weather conditions, that  
14 the person is in the company of a potentially  
15 dangerous person, or that there are other factors  
16 indicating that the person may be in peril; and

17 (5) There is information available that, if disseminated  
18 to the public, could assist in the safe recovery of  
19 the missing person.

20 (h) For purposes of this section:



1       "Cognitively impaired" means affected by a cognitive  
2 impairment, as defined in section 431:10H-201.

3       "Developmentally disabled" means affected by a  
4 developmental disability, as defined in section 11-88.1-2 of the  
5 Hawaii Administrative Rules.

6       "Silver alert" means a notification system, activated  
7 pursuant to subsections (b) through (e), designed to issue and  
8 coordinate alerts with respect to a person who is sixty-five  
9 years of age or older, cognitively impaired, or developmentally  
10 disabled, and meets requirements of subsection (g)."

11       SECTION 3. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$250,000 or so much  
13 thereof as may be necessary for fiscal year 2024-2025 for  
14 establishing and operating the silver alert program.

15       The sum appropriated shall be expended by the department of  
16 law enforcement for the purposes of this Act.

17       SECTION 4. In accordance with section 9 of article VII of  
18 the Hawaii State Constitution and sections 37-91 and 37-93,  
19 Hawaii Revised Statutes, the legislature has determined that the  
20 appropriations contained in H.B. No.       , will cause the state  
21 general fund expenditure ceiling for fiscal year 2024-2025 to be



# S.B. NO. 2305

1 exceeded by \$                    or                    per cent. In addition, the  
2 appropriation contained in this Act will cause the general fund  
3 expenditure ceiling for fiscal year 2024-2025 to be further  
4 exceeded by \$                    or                    per cent. The combined total  
5 amount of general fund appropriations contained in only these  
6 two Acts will cause the state general fund expenditure ceiling  
7 for fiscal year 2024-2025 to be exceeded by  
8 \$                    or                    per cent. The reasons for exceeding the  
9 general fund expenditure ceiling are that:

- 10            (1) The appropriation made in this Act is necessary to  
11                    serve the public interest; and
- 12            (2) The appropriation made in this Act meets the needs  
13                    addressed by this Act.

14            SECTION 5. New statutory material is underscored.

15            SECTION 6. This Act shall take effect on July 1, 2024.

16

INTRODUCED BY: 

# S.B. NO. 2305

**Report Title:**

Silver Alert Program; Missing Persons; Department of Law Enforcement; Appropriation; Expenditure Ceiling

**Description:**

Establishes a silver alert program within the Department of Law Enforcement to help locate and safeguard missing persons who are sixty-five years of age or older, cognitively impaired, or developmentally disabled. Appropriates funds.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

