

ACT 158

S.B. NO. 2305

A Bill for an Act Relating to Missing Persons.

Be It Enacted by the Legislature of the State of Hawaii:

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

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

There are many emergency situations where the use of these broadcast systems could save lives by helping to identify missing elderly individuals or persons with cognitive impairments or developmental disabilities. However, there is no statutory process that requires its use.

The purpose of this Act is to establish a silver alert program within the department of law enforcement to alert the public of missing persons for whom there is a credible threat to their health and safety. To the greatest extent possible, the alert shall provide protection of the privacy, dignity, and independence of the missing person by including standards aimed at preventing the inadvertent or unnecessary broadcasting or dissemination of sensitive health and diagnostic information.

SECTION 2. Chapter 353C, Hawaii Revised Statutes, is amended to read as follows:¹

“§353C- Silver alert program; missing vulnerable persons. (a) The department shall develop and implement a silver alert program to rapidly disseminate information about a person subject to the silver alert.

(b) If a person is reported missing to a law enforcement agency and that agency determines that the conditions of subsection (g) are met, the agency may request the department to activate a silver alert. If the department concurs that the conditions of subsection (g) are met, the department shall activate a silver alert within the geographical area requested by the investigating law enforcement agency.

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

(d) Upon activation of a silver alert, the department shall assist the investigating law enforcement agency by issuing a be-on-the-lookout alert, issuing an electronic flyer, or activating a changeable message sign, as permissible.

(e) The department, as permitted, may use the Wireless Emergency Alerts System.

(f) The department, as permitted, may use a changeable message sign if the following conditions are met:

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

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

(g) A law enforcement agency may request from the department that a silver alert be activated if the agency determines that all of the following conditions are met regarding the investigation of the missing person:

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

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

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

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

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

(h) For purposes of this section:

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

“Developmentally disabled” means affected by a severe, chronic disability of a person that:

- (1) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (2) Is manifested before the person attains age twenty-two;
- (3) Is likely to continue indefinitely;
- (4) Results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic sufficiency; and
- (5) Reflects the person’s need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.

“Silver alert” means a notification system, activated pursuant to this section, designed to issue and coordinate alerts with respect to a situation that meets the conditions of subsection (g).”

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

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

SECTION 4. New statutory material is underscored.²

SECTION 5. This Act shall take effect on July 1, 2024.

(Approved July 1, 2024.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.