

SENATE BILL NO. 245—SENATORS PARKS, MANENDO,
COPENING; AND DENIS (BY REQUEST)

MARCH 16, 2011

JOINT SPONSOR: ASSEMBLYMAN ANDERSON

Referred to Committee on Health and Human Services

SUMMARY—Creates the Statewide Alert System for the Safe Return of Missing Endangered Older Persons. (BDR 38-710)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to older persons; creating the Statewide Alert System for the Safe Return of Missing Endangered Older Persons; requiring the Department of Public Safety to administer and adopt regulations for the System; prescribing the circumstances under which a law enforcement agency may activate the System; providing immunity from civil liability for certain persons who disseminate certain information pursuant to a notification of activation of the System; providing immunity from civil liability for certain persons who enter into agreements with the Department to establish or maintain an Internet website for the System; providing that a person who intentionally makes certain false or misleading statements to cause activation of the System is guilty of a category E felony; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 **Section 7** of this bill creates the Statewide Alert System for the Safe Return of
- 2 Missing Endangered Older Persons, which is composed of a voluntary partnership
- 3 among the Department of Public Safety, the Department of Transportation, state
- 4 and local law enforcement agencies, media outlets and other public and private
- 5 organizations to assist in the search for and safe return of missing endangered older



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6 persons. **Section 7** requires the Department of Public Safety to administer the
7 System. **Section 5** of this bill defines the term "missing endangered older person"
8 for the purposes of the System to mean a person who is 60 years of age or older
9 whose whereabouts are unknown and: (1) who has been diagnosed with a medical
10 or mental health condition that places the person in danger of serious physical harm
11 or death; or (2) who is missing under suspicious or unexplained circumstances that
12 place the person in danger of serious physical harm or death. **Section 8** of this bill
13 requires the Department of Public Safety to: (1) adopt regulations governing the
14 operation of the System; (2) develop a plan for carrying out the System which sets
15 forth the components of the System; (3) oversee the System; (4) supervise and
16 evaluate any training associated with the System; (5) monitor, review and evaluate
17 the activations of the System for compliance with the provisions of this bill; and (6)
18 conduct periodic tests of the System. **Section 9** of this bill prescribes the
19 circumstances under which a law enforcement agency may activate the System.
20 **Section 10** of this bill provides immunity from civil liability for a media outlet or a
21 public or private organization that participates in the System and any person
22 working for the media outlet or public or private organization who disseminates
23 certain information pursuant to a notification of activation of the System and for a
24 person who enters into an agreement with the Department of Public Safety to
25 establish or maintain a website for the System if the agreement provides that only
26 the law enforcement agency activating the System has the authority or ability to
27 place information on the website.

28 Existing law provides that a person who intentionally makes any false or
29 misleading statement to cause the activation of the "Amber Alert" system is guilty of
30 a category E felony. (NRS 207.285) **Section 11** of this bill provides the same
31 penalty for a person who intentionally makes any false or misleading statement to
32 cause the activation of the System created by this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 427A of NRS is hereby amended by
2 adding thereto the provisions set forth as sections 2 to 10, inclusive,
3 of this act.

4 **Sec. 2.** *As used in sections 2 to 10, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 3 to 6, inclusive, of this act have the meanings ascribed*
7 *to them in those sections.*

8 **Sec. 3.** (Deleted by amendment.)

9 **Sec. 4.** *"Department" means the Department of Public*
10 *Safety.*

11 **Sec. 4.5.** *"Media outlet" means a company or other similar*
12 *entity that transmits news, feature stories, entertainment or other*
13 *information to the public through various distribution channels,*
14 *including, without limitation, newspapers, magazines, radio,*
15 *broadcast, cable and satellite television and electronic media.*

16 **Sec. 5.** *"Missing endangered older person" means a person*
17 *who is 60 years of age or older whose whereabouts are unknown*
18 *and who:*



1 1. Has been diagnosed with a medical or mental health
2 condition that places the person in danger of serious physical
3 harm or death; or

4 2. Is missing under suspicious or unexplained circumstances
5 that place the person in danger of serious physical harm or death.

6 **Sec. 6.** "System" means the Statewide Alert System for the
7 Safe Return of Missing Endangered Older Persons created by
8 section 7 of this act.

9 **Sec. 7.** 1. There is hereby created the Statewide Alert
10 System for the Safe Return of Missing Endangered Older Persons,
11 which is composed of a voluntary partnership among the
12 Department of Public Safety, the Department of Transportation,
13 state law enforcement agencies, local law enforcement agencies,
14 media outlets and other public or private organizations to assist in
15 the search for and safe return of missing endangered older
16 persons. The Department of Public Safety shall administer the
17 System within the limits of available money.

18 2. Each law enforcement agency, media outlet and public or
19 private organization that chooses to participate in the System shall
20 comply with the provisions of sections 2 to 10, inclusive, of this act
21 and any requirements prescribed by the Department for
22 participation in the System.

23 3. Each law enforcement agency that chooses to participate
24 in the System shall:

25 (a) Adopt a written policy concerning activation of the System
26 by the agency that is consistent with the provisions of sections 2 to
27 10, inclusive, of this act and the regulations adopted by the
28 Department pursuant to section 8 of this act; and

29 (b) Submit a copy of the written policy to the Department.

30 **Sec. 8.** 1. The Department shall:

31 (a) Develop a plan for carrying out the System which includes
32 the components of the System;

33 (b) Oversee the System;

34 (c) Supervise and evaluate any training associated with the
35 System;

36 (d) Monitor, review and evaluate the activations of the System
37 to determine whether such activations complied with the
38 provisions of sections 2 to 10, inclusive, of this act; and

39 (e) Conduct periodic tests of the System.

40 2. The Department may:

41 (a) Dedicate the System to one or more persons;

42 (b) Establish a name for the System that is in addition to the
43 definition set forth in section 6 of this act;

44 (c) Identify and apply for federal funding available to carry
45 out the provisions of sections 2 to 10, inclusive, of this act; and



(d) Accept gifts, grants and donations for use in carrying out the provisions of sections 2 to 10, inclusive, of this act.

3. The Department shall, in consultation with representatives of the Department of Transportation, the Nevada Sheriffs' and Chiefs' Association, the Nevada Broadcasters Association, media outlets that participate in the System and any other public or private organization that participates in the System, adopt regulations to carry out the provisions of sections 2 to 10, inclusive, of this act.

Sec. 9. 1. A law enforcement agency which has jurisdiction over the investigation of a missing endangered older person may activate the System to disseminate a notice on behalf of the missing endangered older person if the law enforcement agency has:

(a) Confirmed that the whereabouts of the missing endangered older person are unknown;

(b) Confirmed either that the missing endangered older person:

(1) Has been diagnosed with a medical or mental health condition that places the missing endangered older person in danger of serious physical harm or death; or

(2) Is missing under suspicious or unexplained circumstances that place the person in danger of serious physical harm or death; and

(c) Received sufficient descriptive information about the missing endangered older person or other pertinent information to warrant dissemination of the information.

2. Before activation of the System on behalf of a missing endangered older person, the law enforcement agency shall determine whether the dissemination of information will encompass:

(a) A particular neighborhood, city, county, region or state; or

(b) More than one neighborhood, city, county, region or state.

3. A law enforcement agency is not required to obtain the prior consent of the Department before activating the System, but the Department may review an activation of the System after the activation is complete.

4. A law enforcement agency that activates the System shall notify the Department and all participating members of the System upon cancellation of the activation and shall report the final disposition of the search for the missing endangered older person to the Department.

Sec. 10. 1. If a media outlet or any other public or private organization that participates in the System receives a notification of activation of the System by a law enforcement agency



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1 *concerning a missing endangered older person and as a result of*
2 *that notification disseminates descriptive information concerning*
3 *the missing endangered older person and other information*
4 *contained in the notification to assist with the safe return of the*
5 *missing endangered older person, the media outlet, public or*
6 *private organization and any person working for the media outlet*
7 *or public or private organization is immune from civil liability for*
8 *any act reasonably related to the dissemination of that*
9 *information.*

10 2. *If a person enters into an agreement with the Department*
11 *to establish or maintain an Internet website for the System and the*
12 *agreement provides that only the law enforcement agency*
13 *activating the System has the authority or ability to place*
14 *information on the website, the person who establishes or*
15 *maintains the Internet website is immune from civil liability in any*
16 *action based upon the information that is placed on the Internet*
17 *website by the authorized law enforcement agency.*

18 **Sec. 11.** NRS 207.285 is hereby amended to read as follows:

19 207.285 1. A person who intentionally makes any false or
20 misleading statement, including, without limitation, any statement
21 that conceals facts, omits facts or contains false or misleading
22 information concerning any material fact, to any police officer,
23 sheriff, district attorney, deputy sheriff, deputy district attorney or
24 member of the Department of Public Safety to cause the ~~{System}~~
25 *Statewide Alert System for the Safe Return of Abducted Children*
26 *created by NRS 432.340 or the Statewide Alert System for the Safe*
27 *Return of Missing Endangered Older Persons created by section 7*
28 *of this act* to be activated is guilty of a category E felony and shall
29 be punished as provided in NRS 193.130.

30 2. The Attorney General or the district attorney of the county in
31 which a person made a false or misleading statement may
32 investigate and prosecute any violation of the provisions of this
33 section.

34 ~~{3. As used in this section, "System" means the Statewide Alert~~
35 ~~System for the Safe Return of Abducted Children created by~~
36 ~~NRS 432.340.}~~

37 **Sec. 12.** The Department of Public Safety shall adopt the
38 regulations required by section 8 of this act on or before
39 December 31, 2011.

40 **Sec. 13.** This act becomes effective upon passage and approval
41 for the purpose of adopting regulations and on January 1, 2012, for
42 all other purposes.

