

Legislative Analysis



MEDICAL ALERT PROGRAM FOR MISSING SENIOR/VULNERABLE ADULT

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Senate Bill 466

Sponsor: Sen. Tonya Schuitmaker

House Committee: Families, Children, and Seniors

Senate Committee: Families, Seniors and Human Services

Complete to 3-5-12

A SUMMARY OF SENATE BILL 466 AS PASSED BY THE SENATE 11-2-11

The bill would create the "Mozelle Senior or Vulnerable Adult Medical Alert Act" as the official response to reports of seniors and vulnerable adults who are missing, provide for the broadcasting or publishing of information about such incidents, and offer civil immunity. More specifically, the bill would do all of the following:

Missing Senior or Vulnerable Adult. The bill would define "missing senior or vulnerable adult" as a resident of the state who is one of the following: (1) at least 60 years of age, who is reported missing by an individual familiar with the missing senior, and who is believed to be incapable of returning to home without assistance; (2) a vulnerable adult as defined in Section 145m of the Penal Code who is reported missing by an individual familiar with that individual; or (3) an individual who is missing and suffering from senility or a physical or mental condition that subjects the person or others to personal and immediate danger.

The bill would define a "person familiar with the missing senior or vulnerable adult" as that person's guardian, custodian, or guardian ad litem or an individual who provides the senior with home health aid services, possesses a health care power of attorney, has proof that the individual has a medical condition, or otherwise has information regarding the missing person.

Notification, Report Preparation, and Investigation. A law enforcement agency that receives notice of a missing senior or vulnerable adult from an individual familiar with the missing individual would be required to prepare a report. The report would have to include the physical description of the individual; the date, time and place last seen; the missing individual's address; any information gathered by a preliminary investigation if one was made; and a statement by the law enforcement officer in charge setting forth an assessment of the case based upon the evidence and information received.

The law enforcement agency would be required to prepare the report as soon as practicable after receiving notification of a missing senior or vulnerable adult. The law enforcement would also be required to begin an investigation concerning the individual as soon as possible after receiving the missing senior or vulnerable adult report notification.

Information & Report Distribution. After obtaining the information required to be in the report, the law enforcement agency would be required to forward it as soon as practicable to all enforcement agencies with jurisdiction in the location where the missing person resides and was last seen; all law enforcement agencies to which the individual who provided notice of the missing requests it be sent; all law enforcement agencies that request a copy of the report; and one or more appropriate broadcasters.

After the report is completed, a copy of its contents could be sent to one or more newspapers distributed where the missing person might be located.

Media Publication. After forwarding the contents of the report to a broadcaster or newspaper, the law enforcement agency must request the broadcaster or newspaper notify the public that there is a senior or vulnerable adult medical alert and to broadcast or publish a description of the missing individual and other relevant information that would assist in locating him or her.

Media Immunity. A broadcaster or newspaper that notifies the public of a senior or vulnerable adult medical alert and broadcasts or publishes the public information contained in the law enforcement report, including a description of the missing person and any other relevant information that would assist in locating the individual, is immune from civil liability for an act of omission related to the broadcast or publication. However, civil immunity would not apply to an act or omission that constitutes gross negligence or willful, wanton, or intentional misconduct.

Missing/Found Senior Notification. An individual familiar with the missing senior or vulnerable adult who provides notification to a law enforcement agency would also be required to notify the law enforcement agency upon becoming aware that the missing individual has been found.

FISCAL IMPACT:

The bill would not appear to have a significant fiscal impact on state or local government.

BACKGROUND INFORMATION:

The bill is similar to House Bill 5190 (Rep. Meadows), which passed the House in the 2009-10 legislative session. The bill addresses the problem of elderly and other vulnerable persons who wander away from home, go missing, and are believed by those who know them to be incapable of returning home without assistance. The bill is named for a woman from southwest Detroit who died from exposure and lack of medicine in April 2005 after being missing for four days. The bill would set up a special alert system so that those close to elderly missing persons could involve both the police and the news media in the search.

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