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BILL ANALYSIS

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Senate Bill 466 (as introduced 6-15-11)
Sponsor: Senator Tonya Schuitmaker
Committee: Families, Seniors and Human Services

Date Completed: 9-13-11

CONTENT

The bill would create the "Mozelle Senior or Vulnerable Adult Medical Alert Act" to do the following:

- **Require a law enforcement agency to prepare a report when it received notice of a "missing senior or vulnerable adult" from a person familiar with the individual.**
- **Specify information that would have to be included in a report.**
- **Require a law enforcement agency to forward information regarding a missing senior or vulnerable adult to certain other law enforcement agencies and to one or more area broadcasters.**
- **Allow a law enforcement agency to forward a copy of the contents of its report to one or more area newspapers.**
- **Require a law enforcement agency to request that broadcasters and newspapers notify the public of a senior or vulnerable adult medical alert.**
- **Provide limited immunity from civil liability to a broadcaster or newspaper that notified the public of a senior or vulnerable adult medical alert.**

"Missing senior or vulnerable adult" would mean a Michigan resident who is one of the following:

- At least 60 years old and believed to be incapable of returning to his or her residence without assistance, and who is reported missing by a person familiar with that individual.
- A vulnerable adult, as defined in Section 145m of the Michigan Penal Code, who is reported missing by a person familiar with that individual.

(Under Section 145m of the Penal Code, "vulnerable adult" means one or more of the following:

- An individual who is at least 18 years old who requires supervision or personal care or lacks the personal and social skills required to live independently due to age, developmental disability, mental illness, or physical disability.
- An adult, as defined in Section 3(1)(b) of the Adult Foster Care Facility Licensing Act.
- An adult, as defined in Section 11(b) of the Social Welfare Act.

Section 3(1)(b) of the Adult Foster Care Facility Licensing Act includes in the definition of "adult" a child placed in an adult foster care family home or small group home as authorized by the Department of Human Services.

Under Section 11b of the Social Welfare Act, "adult" means a vulnerable person who is at least 18 years old who is suspected of being or believed to be abused, neglected, or exploited. "Vulnerable" means a condition in which an adult is unable to protect himself or herself from abuse, neglect, or exploitation because of a mental or physical impairment or advanced age.)

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

A law enforcement agency that received notice of a missing senior or vulnerable adult from a person familiar with that individual would have to prepare a report that included relevant information obtained from the notification, including the following:

- A physical description of the missing person.
- The date, time, and place that the missing person last was seen.
- The missing person's address.

The report also would have to include information gathered by a preliminary investigation, if one were made, and a statement by the law enforcement officer in charge setting forth his or her assessment of the case based upon the evidence and information received.

The law enforcement agency would have to prepare the report as soon as practicable after it received notification of a missing senior or vulnerable adult.

After obtaining the information required for a report, the law enforcement agency immediately would have to forward the information to all of the following:

- All law enforcement agencies having jurisdiction in the location where the missing senior or vulnerable adult lived and all law enforcement agencies with jurisdiction in the location where he or she last was seen.
- All law enforcement agencies to which the person who notified the agency about the missing senior or vulnerable adult requested the report to be sent, if the agency determined that the request was reasonable in light of the information received.
- All law enforcement agencies that requested a copy of the report.
- One or more broadcasters that broadcasted in an area where the missing senior or vulnerable adult could be located.

Upon completing the report, a law enforcement agency could forward a copy of its contents to one or more newspapers distributed in an area where the missing senior or vulnerable adult could be located. After forwarding the contents of the report to a broadcaster or newspaper, the law enforcement agency would have to request that the broadcaster or newspaper notify the public that there was a senior or vulnerable adult medical alert and broadcast or publish a description of the missing person and any other relevant information that would assist in locating the person.

A law enforcement agency would have to begin an investigation as soon as possible after receiving notification of a missing senior or vulnerable adult.

A person familiar with the missing senior or vulnerable adult who notified a law enforcement agency of a missing person also would have to notify the agency when he or she became aware that the missing person had been found.

A broadcaster or newspaper that notified the public that there was a senior or vulnerable adult medical alert and communicated information contained in the report from a law enforcement agency would be immune from civil liability for an act or omission related to the broadcast or publication. Immunity would not apply, however, to an act or omission that constituted gross negligence or willful, wanton, or intentional misconduct.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.