

**PUBLIC CHAPTER NO. 733****HOUSE BILL NO. 2941**

**By Representatives Hackworth, John DeBerry, Eldridge, Kevin Brooks, Stewart, Ramsey, Maddox, Gilmore, Pitts, Bone, Sherry Jones, McDonald, Sontany, Mumpower, Lundberg, Shipley, Ford, Hawk, Shepard, Coleman, Fincher, Dunn, Niceley, Winningham, Swafford, Yokley, Harry Brooks, Ferguson, Hardaway, Cooper, Ty Cobb, Mike Turner, Pruitt, Faulkner, Coley, Litz, Favors, Brown, Lollar, Montgomery, Miller, Towns, Bass, Haynes, Hensley, Rich, Fitzhugh, Lois DeBerry, Camper, Johnnie Turner, Richardson, Ulysses Jones, Barker, White, Moore and Mr. Speaker Williams**

Substituted for: Senate Bill No. 2903

By Senators McNally, Southerland, Haynes, Johnson, Burchett, Burks, Overbey, Woodson, Yager, Norris, Black, Barnes, Beavers, Berke, Bunch, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Jackson, Kelsey, Ketron, Kyle, Marrero, Stewart, Tate, Tracy, Watson and Mr. Speaker Ramsey

AN ACT to amend Tennessee Code Annotated, Section 38-6-121, relative to certain missing citizens.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated 38-6-121, is amended by deleting the section in its entirety and by substituting instead the following:

§ 38-6-121.

(a) The general assembly finds that in the case of a missing citizen who has wandered due to dementia or physical impairment, the first few hours are critical in finding the citizen. To aid in the identification and location of missing citizens, there is created the missing senior citizen alert program. This program shall be coordinated by local law enforcement agencies which may choose to seek the assistance of nonprofit organizations such as A Child is Missing or the Alzheimer's Association. Local law enforcement agencies are encouraged to develop area-specific protocols for implementation of this program.

(b) For the purpose of this section, "missing citizen" means a person:

(1) Whose whereabouts are unknown;

(2) Whose age at the time the person is first reported missing is sixty (60) years of age or older and who has an

impaired mental condition as determined by a local law enforcement agency; and

(3) Who is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance; or

(4) A person of any age who suffers from a documented case of dementia, whose whereabouts are unknown, and who is believed to be in danger because of the dementia or physical impairment, and is believed to be unable to return to safety without assistance.

(c)

(1) When a local law enforcement agency receives notice that a citizen with a condition described in subsection (b) (1)-(3) is missing and has received a caregiver's statement verifying the condition of the missing citizen, or, when the local law enforcement agency receives notice that a citizen with a condition described in subsection (b)(4) is missing and has received medical documentation of that citizen's dementia or physical impairment, the agency is urged to begin an investigation immediately.

(2) Local law enforcement shall enter the report of the missing citizen with an impaired mental condition or physical impairment into the national crime information center (NCIC) within four (4) hours of the completion of the verification process.

(3) The alert shall be sent to media outlets in this state at the discretion of the local law enforcement agency. Media outlets shall be strongly encouraged to publicize the information provided in order to promote the safe recovery of the missing citizen. When the alert is sent to media outlets, it shall contain all appropriate information from the local law enforcement agency that may assist in the safe recovery of the missing citizen and a statement instructing anyone with information related to the missing citizen to contact their local law enforcement agency. The alert shall contain all appropriate, descriptive information available, including, but not limited to, the location last seen, vehicle information, clothing worn, and photo, if available, that may assist in the safe recovery of the endangered missing person.

(4) Additional local resources that can be utilized, including, but not limited to, reserve units, emergency service units, air support, K-9 units, or automated phone dialer capabilities, shall be identified and maintained as part of the local law enforcement agency's program. Local law enforcement agencies are strongly encouraged to collaborate with surrounding

law enforcement agencies to identify additional resources available that will help aid in the safe recovery of endangered missing persons. Local law enforcement agencies may choose to seek the assistance of nonprofit organizations including, but not limited to, A Child is Missing, the Alzheimer's Association, or the Center for Human Identification.

(5) The alert shall be cancelled by the local law enforcement agency upon notification that the missing citizen has been found, including cancellation of the missing person entry into NCIC.

(6) Nothing contained in this section is intended to deter a law enforcement agency from seeking to find any missing individual as set out by its own policies and procedures.

(d) The Tennessee bureau of investigation, the Tennessee Sheriffs' Association and the Tennessee Association of Chiefs of Police are encouraged to educate law enforcement as to the requirements of the missing senior citizen alert program by methods including, but not limited to: newsletters, press releases, media relations, access to TBI's current media list and educational instruction through the Tennessee Law Enforcement Training Academy.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.

**PASSED: March 24, 2010**

  
KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

  
RON RAMSEY  
SPEAKER OF THE SENATE

**APPROVED this 9th day of April 2010**



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PHIL BREDESEN, GOVERNOR