



2013 ASSEMBLY BILL 442

October 18, 2013 - Introduced by Representatives KAUFERT, GENRICH, KERKMAN, KOLSTE, SARGENT, OHNSTAD, BERCEAU, KAHL, BEWLEY, POPE, THIESFELDT, TITTL, VRUWINK, BROOKS, HULSEY, HESSELBEIN and CZAJA, cosponsored by Senators HANSEN, GUDEx, T. CULLEN, VINEHOUT, CARPENTER, L. TAYLOR and LASSA. Referred to Committee on Aging and Long-Term Care.

1 **AN ACT** *to create* 165.73 and 175.51 of the statutes; **relating to:** an alert system
2 for missing adults at risk and reports to law enforcement regarding missing
3 persons.

Analysis by the Legislative Reference Bureau

The Department of Justice (DOJ) currently administers the Amber Alert System, under which it works with law enforcement agencies, broadcasters, and others to disseminate information regarding certain missing child cases.

This bill creates a statutory requirement that DOJ administer an alert system to disseminate information regarding missing adults who are cognitively impaired if a law enforcement agency notifies DOJ that it has received a report that the adult is missing. This bill also provides civil immunity to persons who, as participants in this alert program, disseminate alerts regarding missing adults at risk and to persons who assist an adult at risk who is the subject of an alert.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 165.73 of the statutes is created to read:

ASSEMBLY BILL 442**SECTION 1**

1 **165.73 Alert system for missing adults at risk. (1)** In this section, “adult
2 at risk” has the meaning given in s. 175.51 (1).

3 **(2)** If a law enforcement agency notifies the department under s. 175.51 (3) that
4 it has received a report of a missing adult at risk, the department shall activate an
5 alert for the missing adult at risk. The alert system shall involve a partnership of
6 law enforcement agencies, broadcasters, and other appropriate entities, to rapidly
7 disseminate the information under sub. (3) regarding a missing adult at risk. An
8 alert shall instruct a person with any information related to the missing adult at risk
9 to contact a local law enforcement agency.

10 **(3)** The information to be disseminated under sub. (2) includes all of the
11 following:

12 (a) The name of the missing adult at risk.

13 (b) A physical description of the missing adult at risk.

14 (c) The last-known location of the missing adult at risk.

15 (d) The time and date that the adult at risk went missing.

16 (e) Any information that the department determines may assist in identifying
17 or finding the missing adult at risk.

18 (f) Any other information provided by the law enforcement agency under s.
19 175.51 (3).

20 **(4)** (a) Any person disseminating information regarding missing adults at risk
21 as part of the alert system under this section is immune from civil liability for his or
22 her good faith acts or omissions while participating in the system.

23 (b) A person is immune from civil liability for acts or omissions committed while
24 assisting or attempting to assist, or obtaining or attempting to obtain assistance for,

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1 a missing adult at risk who is the subject of an alert under sub. (2) unless the acts
2 or omissions involve reckless, wanton, or intentional misconduct.

3 **SECTION 2.** 175.51 of the statutes is created to read:

4 **175.51 Reports of missing persons. (1)** In this section, "adult at risk" means
5 an adult who has a developmental disability, who suffers from Alzheimer's disease
6 or dementia, or who suffers from or could, without access to medication, suffer from
7 cognitive impairment if the impairment would likely render the adult incapable of
8 getting to a familiar location without assistance.

9 **(2)** A law enforcement agency shall accept a report of a missing person if the
10 report is submitted by a family member, whether by blood, marriage, or adoption, of
11 the missing person or by any person responsible for the missing person.

12 **(3)** If a law enforcement agency takes a report of a missing person who the law
13 enforcement agency determines is an adult at risk, the law enforcement agency shall
14 provide any information that the law enforcement agency determines may help
15 locate the missing adult at risk to the department of justice to enable the department
16 of justice to issue an alert under s. 165.73.

17 **SECTION 3. Initial applicability.**

18 **(1)** The treatment of section 165.73 (4) of the statutes first applies to acts or
19 omissions committed on the effective date of this subsection.

20 **(2)** The treatment of section 175.51 of the statutes first applies to reports of
21 missing persons submitted to a law enforcement agency on the effective date of this
22 subsection.

23 **(END)**