

# SENATE BILL No. 702

August 31, 2005, Introduced by Senator BROWN and referred to the Committee on Judiciary.

A bill to prescribe the senior medical alert as the official response to reports of certain missing persons; to provide for the broadcast of information regarding those incidents; and to provide for certain civil immunity.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act shall be known and may be cited as the  
2 "senior medical alert act".

3           Sec. 2. As used in this act:

4           (a) "Missing endangered senior" means a resident of this state  
5 who is at least 65 years of age, who is reported missing by a  
6 person familiar with the missing endangered senior, and who is  
7 believed to be incapable of returning to his or her residence  
8 without assistance.

1 (b) "Person familiar with the missing endangered senior" means  
2 a missing endangered senior's guardian, custodian, or guardian ad  
3 litem or an individual who provides the missing endangered senior  
4 with home health aid services, possesses a health care power of  
5 attorney for the missing endangered senior, or has proof that the  
6 missing endangered senior has a medical condition.

7 Sec. 3. A law enforcement agency that receives notice of a  
8 missing endangered senior from a person familiar with the missing  
9 endangered senior shall prepare a report on the missing endangered  
10 senior. The report shall include the following:

11 (a) Relevant information obtained from the notification  
12 concerning the missing endangered senior, including the following:

13 (i) A physical description of the missing endangered senior.

14 (ii) The date, time, and place that the missing endangered  
15 senior was last seen.

16 (iii) The missing endangered senior's address.

17 (b) Information gathered by a preliminary investigation, if  
18 one was made.

19 (c) A statement by the law enforcement officer in charge  
20 setting forth that officer's assessment of the case based upon the  
21 evidence and information received.

22 Sec. 4. The law enforcement agency shall prepare the report  
23 required by section 3 as soon as practicable, but not later than 5  
24 hours after the law enforcement agency receives notification of a  
25 missing endangered senior.

26 Sec. 5. (1) Upon completion of the report required by section  
27 3, the law enforcement agency shall immediately forward the

1 contents of the report to all of the following:

2 (a) All law enforcement agencies that have jurisdiction in the  
3 location where the missing endangered senior resides and all law  
4 enforcement agencies that have jurisdiction in the location where  
5 the missing endangered senior was last seen.

6 (b) All law enforcement agencies to which the person who made  
7 the notification concerning the missing endangered senior requests  
8 the report be sent, if the law enforcement agency determines that  
9 the request is reasonable in light of the information received.

10 (c) All law enforcement agencies that request a copy of the  
11 report.

12 (d) One or more broadcasters that broadcast in an area where  
13 the missing endangered senior may be located.

14 (2) Upon completion of the report required by section 3, a law  
15 enforcement agency may forward a copy of the contents of the report  
16 to 1 or more newspapers distributed in an area where the missing  
17 endangered senior may be located.

18 (3) After forwarding the contents of the report to a  
19 broadcaster or newspaper under this section, the law enforcement  
20 agency shall request that the broadcaster or newspaper do the  
21 following:

22 (a) Notify the public that there is a senior medical alert.

23 (b) Broadcast or publish a description of the missing  
24 endangered senior and any other relevant information that would  
25 assist in locating the missing endangered senior.

26 Sec. 6. A law enforcement agency shall begin an investigation  
27 concerning the missing endangered senior as soon as possible after

1 receiving notification of a missing endangered senior.

2       Sec. 7. A person familiar with the missing endangered senior  
3 who notifies a law enforcement agency concerning a missing  
4 endangered senior shall notify the law enforcement agency when he  
5 or she becomes aware that the missing endangered senior has been  
6 found.

7       Sec. 8. (1) A broadcaster or newspaper that notifies the  
8 public that there is a senior medical alert and broadcasts or  
9 publishes to the public information contained in the report  
10 forwarded to the broadcaster or newspaper by a law enforcement  
11 agency, including a description of the missing endangered senior  
12 and any other relevant information that would assist in locating  
13 the missing endangered senior, is immune from civil liability for  
14 an act or omission related to the broadcast or the publication of  
15 the newspaper.

16       (2) The civil immunity described in subsection (1) does not  
17 apply to an act or omission that constitutes gross negligence or  
18 willful, wanton, or intentional misconduct.