

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

House Bill 2167

BY DELEGATE STORCH AND ELDRIDGE

[Originating in the Committee on Senior Issues]

1 A BILL to amend and reenact §15-3B-3 and §15-3B-4 of the Code of West Virginia, 1931, as
2 amended, relating to including senior citizens in the Silver Alert program; defining a senior
3 citizen; providing a date to include senior citizens in the program; and including senior
4 citizens in criteria to activate the Silver Alert.

Be it enacted by the Legislature of West Virginia:

1 That §15-3B-3 and §15-3B-4 of the Code of West Virginia, 1931, as amended, be
2 amended and reenacted to read as follows:

ARTICLE 3B. SILVER ALERT PLAN.

§15-3B-3. Establishment of "Silver Alert" program.

1 (a) The Secretary of the Department of Military Affairs and Public Safety shall establish a
2 "Silver Alert" ~~;~~ a program authorizing the broadcast media, upon notice from the State Police, to
3 broadcast an alert to inform the public of a missing cognitively impaired person or a missing senior
4 citizen, subject to the criteria established in section four of this article. The program shall be a
5 voluntary, cooperative effort between state law-enforcement and the broadcast media.

6 (b) ~~For the purposes of~~ As used in this article, ~~the term~~:

7 (1) "Cognitively impaired" means a person having a deficiency in his or her short-term or
8 long-term memory, orientation as to person, place, and time, deductive or abstract reasoning, or
9 judgment as it relates to safety: *Provided,* That the cognitive impairment is not caused by the use
10 of alcohol or drugs not legally prescribed by a physician; and

11 (2) "Senior citizen" means a person over sixty-five years of age.

12 (c) The secretary shall notify the broadcast media serving the State of West Virginia of the
13 establishment of "Silver Alert" program and invite their voluntary participation.

14 (d) The secretary shall submit a plan to the Joint Committee on Government and Finance
15 no later than December 1, 2009. The plan shall include "Silver Alert" activation protocols,
16 evaluation of first responder training requirements and needs as related to cognitively impaired
17 persons and senior citizens, coordination and utilization of established programs and analysis of

18 any costs. The secretary shall also make recommendations for any additional legislation or
19 actions necessary to further facilitate the implementation of the "Silver Alert" program

§15-3B-4. Activation of Silver Alert.

1 The following criteria shall be met before the State Police activate the Silver Alert:

2 (1) A The person is believed to be cognitively impaired or is a senior citizen;

3 (2) The person is believed to be missing, regardless of circumstance;

4 (3) A person who has knowledge that the ~~cognitively impaired~~ person is missing has
5 submitted a missing person's report to the State Police or other appropriate law-enforcement
6 agency;

7 (4) The missing person may be in danger of death or serious bodily injury;

8 (5) The missing person is domiciled or believed to be located in the State of West Virginia;

9 (6) The missing person is, or is believed to be, at a location that cannot be determined by
10 an individual familiar with the missing person, and the missing person is incapable of returning to
11 the missing person's residence without assistance; and

12 (7) There is sufficient information available to indicate that a Silver Alert would assist in
13 locating the missing person.