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RECALLED

May 14, 2009

**H. 3719**

Introduced by Reps. Clemmons and Weeks

S. Printed 5/14/09--H.

Read the first time March 24, 2009.

**A** **BILL**

TO AMEND SECTION 23‑3‑240, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUBMISSION OF A MISSING PERSON REPORT TO THE MISSING PERSON INFORMATION CENTER, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON, MAY SUBMIT A MISSING PERSON REPORT; TO AMEND SECTION 23‑3‑250, RELATING TO THE DISSEMINATION OF MISSING PERSON REPORT DATA, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY; TO AMEND SECTION 23‑3‑270, RELATING TO THE DUTY OF A PERSON WHO SUBMITS A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY OR THE MISSING PERSON INFORMATION CENTER TO NOTIFY BOTH ENTITIES OF THE LOCATION OF AN INDIVIDUAL CONTAINED IN THE REPORT WHOSE LOCATION HAS BEEN DETERMINED, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON MAY SUBMIT A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY OR TO THE MISSING PERSON INFORMATION CENTER; AND BY ADDING SECTION 23‑3‑330 SO AS TO ESTABLISH A STATEWIDE SYSTEM FOR THE RAPID DISSEMINATION OF INFORMATION REGARDING A MISSING PERSON WHO IS BELIEVED TO BE SUFFERING FROM DEMENTIA OR OTHER COGNITIVE IMPAIRMENT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 23‑3‑240 of the 1976 Code is amended to read:

“Section 23‑3‑240. Any parent, spouse, guardian, legal custodian, ~~or~~ public or private agency or entity, or any person responsible for a missing person, may submit a missing person report to the MPIC on any missing child or missing person, regardless of the circumstances, after having first submitted a missing person report on the individual to the law enforcement agency having jurisdiction of the area in which the individual became or is believed to have become missing, regardless of the circumstances.”

SECTION 2. Section 23‑3‑250 of the 1976 Code is amended to read:

“Section 23‑3‑250. A law enforcement agency, upon receipt of a missing person report by a parent, spouse, guardian, legal custodian, ~~or~~ public or private agency or entity, or any person responsible for a missing person, immediately shall ~~immediately~~ make arrangements for the entry of data about the missing person or missing child into the national missing persons file in accordance with criteria set forth by the FBI/NCIC, immediately inform all of its on‑duty law enforcement officers of the missing person report, initiate a statewide broadcast to all other law enforcement agencies to be on the lookout for the individual, and transmit a copy of the report to the MPIC.”

SECTION 3. Section 23‑3‑270 of the 1976 Code is amended to read:

“Section 23‑3‑270. Any parent, spouse, guardian, legal custodian, ~~or~~ public or private agency or entity, or any person responsible for a missing person, who submits a missing person report to a law enforcement agency or to the MPIC, after having first submitted the missing person report to the appropriate law enforcement agency, immediately shall ~~immediately~~ notify the law enforcement agency and the MPIC of any individual whose location has been determined. The MPIC shall instigate and confirm the deletion of the individual’s records from the FBI/NCIC’s missing person file, as long as there are no grounds for criminal prosecution, and follow up with the local law enforcement agency having jurisdiction of the records.”

SECTION 4. Article 5, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑330. (A)There is established within the Missing Person Information Center the Silver Alert System. The purpose of the Silver Alert System is to provide a statewide system for the rapid dissemination of information regarding a missing person who is believed to be suffering from dementia or other cognitive impairment.

(B) If the center receives a report that involves a missing person who is believed to be suffering from dementia or other cognitive impairment, for the protection of the missing person from potential abuse or other physical harm, neglect, or exploitation, the center shall issue an alert providing for rapid dissemination of information statewide regarding the missing person.

(C) The center shall adopt guidelines and develop procedures for issuing an alert for missing persons believed to be suffering from dementia or other cognitive impairment and shall provide education and training to encourage radio and television broadcasters to participate in the alert. The guidelines and procedures shall ensure that specific health information about the missing person is not made public through the alert or otherwise.

(D) The center shall consult with the Department of Transportation and develop a procedure for the use of overhead permanent changeable message signs to provide information on the missing person who is believed to be suffering from dementia or other cognitive impairment when information is available that would enable motorists to assist in the recovery of the missing person. The center and the Department of Transportation shall develop guidelines for the content, length, and frequency of any message to be placed on an overhead permanent changeable message sign.”

SECTION 5. This act takes effect upon approval by the Governor.

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