

House Bill 728 (AS PASSED HOUSE AND SENATE)

By: Representatives Franklin of the 43<sup>rd</sup>, Brooks of the 63<sup>rd</sup>, Jones of the 44<sup>th</sup>, Cooper of the 41<sup>st</sup>, Walker of the 107<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to  
2 emergency management, so as to provide a short title; to define certain terms; to provide for  
3 a state-wide alert system for missing disabled adults; to provide for rules and regulations; to  
4 provide for cooperation with broadcasters; to provide for calling an alert; to provide for  
5 conditions; to provide that the Georgia Lottery Corporation shall devise a method of  
6 notifying vendors in an alert area of the alert; to provide for utilization of a rapid response  
7 phone system; to provide for nonliability; to provide for construction; to provide for  
8 termination of an alert; to provide for a state-wide alert for certain criminal suspects; to  
9 repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency  
13 management, is amended by inserting at the end thereof a new article to read as follows:

14 "ARTICLE 7

15 38-3-110.

16 This article shall be known and may be cited as the 'Mattie's Call Act.'

17 38-3-111.

18 As used in this article, the term:

19 (1) 'Alert system' means the state-wide 'Mattie's Call' alert system for missing disabled  
20 adults.

21 (2) 'Disabled adult' means an adult who is developmentally impaired or who suffers from  
22 dementia or some other cognitive impairment.

23 (3) 'Local law enforcement agency' means a local law enforcement agency with  
24 jurisdiction over the investigation of a missing disabled adult.

1 38-3-112.

2 With the cooperation of the office of the Governor, the Georgia Lottery Corporation, and  
3 other appropriate law enforcement agencies in this state, the department shall develop and  
4 implement a state-wide alert system to be activated on behalf of missing disabled adults.

5 38-3-113.

6 (a) The director is the state-wide coordinator of the alert system.

7 (b) The director shall adopt rules and issue directives as necessary to ensure proper  
8 implementation of the alert system. The rules and directives must include instructions on  
9 the procedures for activating and deactivating the alert system.

10 (c) The director shall prescribe forms for use by local law enforcement agencies in  
11 requesting activation of the alert system.

12 38-3-113.1.

13 The staff of personal care homes shall call the local police department to report the  
14 elopement of any disabled person from the home within 30 minutes of the staff receiving  
15 actual knowledge that such person is missing from the home.

16 38-3-114.

17 (a) The agency shall recruit public and commercial television, radio, cable, print, and other  
18 media, private commercial entities, state or local governmental entities, the public, and  
19 other appropriate persons to assist in developing and implementing the alert system.

20 (b) The agency may enter into agreements with participants in the alert system to provide  
21 necessary support for the alert system.

22 38-3-115.

23 (a) On notification by a local law enforcement agency that a disabled adult is missing, the  
24 director shall activate the alert system and notify appropriate participants in the alert  
25 system, as established by rule, if:

26 (1) A local law enforcement agency believes that a disabled adult is missing;

27 (2) A local law enforcement agency believes that the disabled adult is in immediate  
28 danger of serious bodily injury or death;

29 (3) A local law enforcement agency confirms that an investigation has taken place that  
30 verifies the disappearance and eliminates alternative explanations for the disabled adult's  
31 disappearance; and

32 (4) Sufficient information is available to disseminate to the public that could assist in  
33 locating the disabled adult.

1 (b) The area of the alert may be less than state wide if the director determines that the  
2 nature of the event makes it probable that the disabled adult did not leave a certain  
3 geographic location.

4 (c) The agency may modify the criteria described by subsection (a) of this Code section  
5 as necessary for the proper implementation of the alert system.

6 38-3-116.

7 Before requesting activation of the alert system, a local law enforcement agency must  
8 verify that the criteria described by subsection (a) of Code Section 38-3-115 have been  
9 satisfied. The local law enforcement agency shall assess the appropriate boundaries of the  
10 alert, based on the nature of the disabled adult and the circumstances surrounding the  
11 disappearance. On verification of the criteria, the local law enforcement agency shall  
12 immediately contact the agency to request activation and shall supply the necessary  
13 information on the forms prescribed by the director.

14 38-3-117.

15 (a) A state agency participating in the alert system shall:

16 (1) Cooperate with the department and assist in developing and implementing the alert  
17 system;

18 (2) Establish a plan for providing relevant information to its officers, investigators, or  
19 employees, as appropriate, once the alert system has been activated; and

20 (3) Utilize a rapid response telephone system that alerts residents in a targeted area.

21 (b) The Georgia Lottery Corporation is directed to develop a method of notifying its  
22 vendors within an alert area of an alert in a manner designed to disseminate alert  
23 information to customers at its retail locations.

24 38-3-118.

25 The director shall terminate any activation of the alert system with respect to a particular  
26 disabled adult if:

27 (1) The adult is located or the disappearance is otherwise resolved; or

28 (2) The director determines that the alert system is no longer an effective tool for  
29 locating and recovering the disabled adult.

30 38-3-119.

31 (a) Any entity or individual participating in the 'Mattie's call' alert system pursuant to this  
32 article shall not be liable for any civil damages arising from the dissemination of any alert  
33 generated pursuant to the 'Mattie's call' alert system.

1 (b) Nothing in this article shall be construed to limit or restrict in any way any legal  
2 protection an individual or entity may have under any other law for disseminating any  
3 information.

4 38-3-120.

5 (a) In addition to the state-wide alert system known as 'Mattie's Call,' there is established  
6 a state-wide alert system known as 'Kimberly's Call.'

7 (b) The director shall develop and implement a state-wide alert system to be activated  
8 when a suspect for the crime of murder as defined in Code Section 16-5-1 or rape as  
9 defined in Code Section 16-6-1 has not been apprehended and law enforcement personnel  
10 have determined that the suspect may be a serious threat to the public.

11 (c) The provisions of Code Sections 38-3-113, 38-3-114, and 38-3-117 shall also apply to  
12 'Kimberly's Call' as set forth in this Code section.

13 (d) On notification by a local law enforcement agency that a suspect in a case of murder  
14 or rape has not been apprehended and may be a serious threat to the public, the director  
15 shall activate the alert system and notify appropriate participants in the alert system, as  
16 established by rule, if:

17 (1) A local law enforcement agency believes that a suspect has not been apprehended;

18 (2) A local law enforcement agency believes that the suspect may be a serious threat to  
19 the public; and

20 (3) Sufficient information is available to disseminate to the public that could assist in  
21 locating the suspect.

22 (e) The area of the alert may be less than state wide if the director determines that the  
23 nature of the event makes it probable that the suspect did not leave a certain geographic  
24 location.

25 (f) Before requesting activation of the alert system, a local law enforcement agency must  
26 verify that the criteria described by subsection (d) have been satisfied. The local law  
27 enforcement agency shall assess the appropriate boundaries of the alert based on the nature  
28 of the suspect and the circumstances surrounding the crime.

29 (g) The director shall terminate any activation of the alert system with respect to a  
30 particular suspect if:

31 (1) The suspect is located or the incident is otherwise resolved; or

32 (2) The director determines that the alert system is no longer an effective tool for  
33 locating the suspect.

34 (h) Any entity or individual participating in the 'Kimberly's Call' alert system pursuant to  
35 this Code section shall not be liable for any civil damages arising from the dissemination  
36 of any alert generated pursuant to the 'Kimberly's Call' alert system."

- 1 **SECTION 2.**
- 2 All laws and parts of laws in conflict with this Act are repealed.