

House Bill 465

By: Representatives Gilliard of the 162nd, Hitchens of the 161st, Neal of the 79th, Stephens of the 164th, Sharper of the 177th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated,
2 relating to state-wide alert system for missing disabled adults, so as to provide for the
3 "Autism Missing Person Alert System Act"; to provide for certain entities to cooperate in the
4 development of the alert system; to provide for requirements for the alert system; to provide
5 for requirements for the activation of the alert system; to provide for the geographic scope
6 of such alert; to provide for an emphasis on the search of waterways in locating missing
7 individuals with autism spectrum disorder; to provide for a limitation on liability for
8 participants responding to the alert system; to provide for definitions; to provide for related
9 matters; to provide for conforming changes; to repeal conflicting laws; and for other
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 This Act shall be known and may be cited as the "Autism Missing Person Alert System Act."

14 **SECTION 2.**

15 Article 7 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to
16 state-wide alert system for missing disabled adults, is amended by designating Code Sections
17 35-3-170 through 35-3-180 as Part 1.

18 **SECTION 3.**

19 Said article is further amended by adding a new part to read as follows:

20 "Part 2

21 35-3-181.

22 As used in this part, the term:

23 (1) 'Autism Missing Person Alert System' or 'alert system' means the state-wide alert
24 system for missing individuals with autism spectrum disorder.

25 (2) 'Autism spectrum disorder' means a developmental disorder characterized by
26 difficulties with social interaction, communication challenges, and restricted or repetitive
27 patterns of behavior.

28 (3) 'Local law enforcement agency' means a law enforcement agency with jurisdiction
29 over the investigation of a missing individual with autism spectrum disorder.

30 35-3-182.

31 (a) With the cooperation of the office of the Governor, the Georgia Lottery Corporation,
32 the Department of Behavioral Health and Developmental Disabilities, and other appropriate
33 local law enforcement agencies in this state, the bureau shall develop and implement an
34 alert system to be activated on behalf of missing individuals with autism spectrum disorder.

35 (b) The activation of an alert system shall not prevent or prohibit any other state or local
36 law enforcement agency from taking additional measures in response to the receipt of a
37 missing person report.

38 35-3-183.

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

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

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

45 (d) No rule or directive adopted by the director shall mandate a minimum waiting period
46 before the alert system may be activated or a request by local law enforcement agencies
47 may be submitted to the bureau; provided, however, that it shall remain within the
48 discretion of the director, as provided in this part, whether the alert system shall be
49 activated at the request of a local law enforcement agency.

50 35-3-184.

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

54 (b) The bureau may enter into agreements with participants in the alert system to provide
55 necessary support for the alert system.

56 35-3-185.

57 (a) On notification by a local law enforcement agency that an individual with autism
58 spectrum disorder is missing, the director shall activate the alert system and notify
59 appropriate participants in the alert system, as established by rule, if:

60 (1) A local law enforcement agency believes that such individual is missing;

61 (2) A local law enforcement agency believes that such individual is in immediate danger
62 of serious bodily injury or death;

63 (3) A local law enforcement agency confirms an investigation has taken place that
64 verifies the disappearance and eliminates alternative explanations for such individual; and

65 (4) Sufficient information is available to disseminate to the public that could assist in
66 locating such individual.

67 (b) The area of the alert may be less than state wide if the director determines that the
68 nature of the event makes it probable that the individual with autism spectrum disorder did
69 not leave a certain geographic location.

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

72 (d) Before requesting activation of the alert system, a local law enforcement agency shall
73 verify that the criteria described by subsection (a) of this Code section have been satisfied.
74 The local law enforcement agency shall assess the appropriate boundaries of the alert,
75 based on the nature of the individual with autism spectrum disorder and the circumstances
76 surrounding the disappearance. On verification of the criteria, the local law enforcement
77 agency shall immediately contact the bureau to request activation and shall supply the
78 necessary information on the forms prescribed by the director.

79 35-3-186.

80 Any activation of the alert system for a missing individual with autism spectrum disorder
81 pursuant to this part shall:

- 82 (1) Issue guidance to local law enforcement agencies engaged in a search for the missing
83 individual to prioritize waterways, including lakes, rivers, pools, ditches, and other
84 potential water sources;
85 (2) Advise the public to check roadways for any sign of the missing individual;
86 (3) Describe the missing individual as clearly as possible;
87 (4) Provide a last known location for the missing individual; and
88 (5) Provide any information on the distinctive behaviors associated with autism spectrum
89 disorder that may assist in identifying the missing individual.

90 35-3-187.

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

- 92 (1) Cooperate with the bureau and assist in developing and implementing the alert
93 system;
94 (2) Establish a plan for providing relevant information to its officers, investigators, or
95 employees, as appropriate, once the alert system has been activated; and
96 (3) Utilize a rapid response telephone system that alerts residents in a targeted area.

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

100 35-3-188.

101 The director shall terminate any activation of the alert system with respect to a particular
102 individual with autism spectrum disorder if:

- 103 (1) The individual is located or the disappearance is otherwise resolved; or
104 (2) The director determines that the alert system is no longer an effective tool for
105 locating and recovering the individual.

106 35-3-189.

107 (a) Any entity or individual participating in the Autism Missing Person Alert System
108 pursuant to this part shall not be liable for any civil damages arising from the dissemination
109 of any alert generated pursuant to the Autism Missing Person Alert System.

110 (b) Nothing in this part shall be construed to limit or restrict in any way any legal
111 protection an individual or entity may have under any other law for disseminating any
112 information."

113 **SECTION 4.**

114 Said article is further amended by replacing "article" with "part" wherever the former term
115 appears in:

116 (1) Code Section 35-3-170, relating to short title;

117 (2) Code Section 35-3-171, relating to definitions;

118 (3) Code Section 35-3-173, relating to director to be state-wide coordinator for alert
119 system; and

120 (4) Code Section 35-3-180, relating to immunity from civil damages for dissemination of
121 alert information.

122 **SECTION 5.**

123 All laws and parts of laws in conflict with this Act are repealed.