

House Bill 465 (COMMITTEE SUBSTITUTE)

By: Representatives Gilliard of the 162<sup>nd</sup>, Hitchens of the 161<sup>st</sup>, Neal of the 79<sup>th</sup>, Stephens of the 164<sup>th</sup>, Sharper of the 177<sup>th</sup>, 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 persons  
3 with autism spectrum disorder to be included in the "Mattie's Call" alert system; to provide  
4 for an emphasis on the search of waterways in locating missing persons with autism spectrum  
5 disorder; to provide for definitions; to provide for related matters; to provide for conforming  
6 changes; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia  
10 Bureau of Investigation, is amended by revising Article 7, relating to state-wide alert system  
11 for missing disabled adults, as follows:

12 "ARTICLE 7

13 35-3-170.

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

H. B. 465 (SUB)

15 35-3-171.

16 As used in this article, the term:

17 (1) 'Alert system' means the state-wide 'Mattie's Call' alert system for missing disabled  
18 adults, ~~and~~ medically endangered persons, and persons with autism spectrum disorder.

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

22 ~~(2)(3)~~ 'Disabled adult' means an adult who is developmentally impaired or who suffers  
23 from dementia or some other cognitive impairment.

24 ~~(3)(4)~~ 'Local law enforcement agency' means a law enforcement agency with jurisdiction  
25 over the investigation of a missing disabled adult or other medically endangered person.

26 ~~(4)(5)~~ 'Medically endangered person' means a person with a known medical condition  
27 that might reasonably cause such person to become incapacitated or that may result in  
28 life-threatening physiological conditions likely to lead to serious bodily injury or death  
29 if not immediately treated.

30 35-3-172.

31 (a) With the cooperation of the office of the Governor, the Georgia Lottery Corporation,  
32 and other appropriate law enforcement agencies in this state, the bureau shall develop and  
33 implement a state-wide alert system to be activated on behalf of missing disabled adults,  
34 ~~and~~ medically endangered persons, and persons with autism spectrum disorder.

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

38 35-3-173.

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 article, whether the alert system shall be  
49 activated at the request of a local law enforcement agency.

50 (e) When making a determination whether to activate or whether to request the activation  
51 of a state-wide missing person alert system, both the director and the requesting local law  
52 enforcement agency shall take into consideration the known medical condition of the  
53 missing person if the medical condition may reasonably be considered a cause for the  
54 inability to locate such missing person. In so considering the medical condition of a  
55 missing person, particularly if such condition may be immediately life-threatening or  
56 incapacitating, the director or other authorized person and the requesting law enforcement  
57 official shall be authorized, within his or her discretion, to initiate and request, respectively,  
58 a state-wide endangered person advisory.

59 35-3-174.

60 The staff of personal care homes and assisted living communities shall call the local police  
61 department to report the elopement of any disabled ~~person~~ adult, medically endangered  
62 person, or person with autism spectrum disorder from the home within 30 minutes of the  
63 staff's receiving actual knowledge that such person is missing from the home.

64 35-3-175.

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

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

70 35-3-176.

71 (a) On notification by a local law enforcement agency that a disabled adult, ~~or medically~~  
72 ~~endangered person, or person with autism spectrum disorder~~ is missing, the director shall  
73 activate the alert system and notify appropriate participants in the alert system, as  
74 established by rule, if:

75 (1) A local law enforcement agency believes that a disabled adult, ~~or medically~~  
76 ~~endangered person, or person with autism spectrum disorder~~ is missing;

77 (2) A local law enforcement agency believes that the disabled adult, ~~or medically~~  
78 ~~endangered person, or person with autism spectrum disorder~~ is in immediate danger of  
79 serious bodily injury or death;

80 (3) A local law enforcement agency confirms that an investigation has taken place that  
81 verifies the disappearance and eliminates alternative explanations for the ~~disabled adult's~~  
82 ~~or medically endangered person's~~ disappearance of the disabled adult, medically  
83 endangered person, or person with autism spectrum disorder; and

84 (4) Sufficient information is available to disseminate to the public that could assist in  
85 locating the disabled adult, ~~or medically endangered person, or person with autism~~  
86 spectrum disorder.

87 (b) The area of the alert may be less than state wide if the director determines that the  
88 nature of the event makes it probable that the disabled adult, ~~or medically endangered~~

89 person, or person with autism spectrum disorder did not leave a certain geographic  
90 location.

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

93 35-3-177.

94 Before requesting activation of the alert system, a law enforcement agency shall verify that  
95 the criteria described by subsection (a) of Code Section 35-3-176 have been satisfied. The  
96 law enforcement agency shall assess the appropriate boundaries of the alert, based on the  
97 nature of the disabled adult, ~~or~~ medically endangered person, or person with autism  
98 spectrum disorder and the circumstances surrounding the disappearance. On verification  
99 of the criteria, the law enforcement agency shall immediately contact the bureau to request  
100 activation and shall supply the necessary information on the forms prescribed by the  
101 director.

102 35-3-178.

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

104 (1) Cooperate with the bureau and assist in developing and implementing the alert  
105 system;

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

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

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

112 (c) Any activation of the alert system for a missing person with autism spectrum disorder  
113 pursuant to this article shall:

- 114 (1) Issue guidance to local law enforcement agencies engaged in a search for the missing  
115 person to prioritize waterways, including lakes, rivers, pools, ditches, and other potential  
116 water sources;  
117 (2) Advise the public to check roadways for any sign of the missing person;  
118 (3) Describe the missing person as clearly as possible;  
119 (4) Provide a last known location for the missing person; and  
120 (5) Provide any information on the distinctive behaviors associated with autism spectrum  
121 disorder that may assist in identifying the missing person.

122 35-3-179.

123 The director shall terminate any activation of the alert system with respect to a particular  
124 disabled adult, or medically endangered person, or person with autism spectrum disorder  
125 if:

- 126 (1) The person is located or the disappearance is otherwise resolved; or  
127 (2) The director determines that the alert system is no longer an effective tool for  
128 locating and recovering the disabled adult, or medically endangered person, or person  
129 with autism spectrum disorder.

130 35-3-180.

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

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

137

**SECTION 2.**

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