

LEGAL SERVICES

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MEMORANDUM

February 21, 2013

SUBJECT: Sectional Summary
SB 36: Missing Vulnerable Adult Legislation
(Work Order No. 28-LS0338(N))

TO: Senator Johnny Ellis
Attn: Nathan Zencey

FROM: Kathleen Strasbaugh
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1 of the bill adds to the duties of the Department of Military and Veterans Affairs set out at AS 44.35.020(a) a requirement that the Department cooperate with the Department of Public Safety in the development and implementation of adult prompt response and notification plans.

Section 2 of the bill adds a new section, AS 44.41.060, to AS 44.41, which sets out the functions of the Department of Public Safety. Subsection (a) of that new section requires the Department of Public Safety to work with the Department of Military and Veterans Affairs to develop and carry out plans for law enforcement agencies to use statewide media outlets to locate a vulnerable adult who is missing. The plans must include, at least, standards for determining when it is appropriate to implement a prompt response and notification plan, including (1) procedures for a person to follow when notifying a law enforcement agency that a vulnerable adult is missing, (2) the format, contents, and distribution of reports of law enforcement agencies conducting the search, (3) a procedure for a law enforcement agency to request that media outlets specified in a plan disseminate the notification, (4) a procedure for determining where to implement the plan, and (5) a procedure for the voluntary participation of media outlets.

Subsection (b) provides that a person is not civilly liable for failing to participate in, or implement, a prompt response and notification plan, or for activating a plan in good faith. Likewise it provides that media outlets are not civilly liable for participating in a prompt response and notification plan, or the implementation of a plan, if the media outlet has verified the authenticity of the implementation with the law enforcement agency searching for the missing vulnerable adult.

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Subsection (c) provides that "vulnerable adult" has the meaning given in AS 47.24.900:

(21) "vulnerable adult" means a person 18 years of age or older who, because of incapacity, mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, fraud, confinement, or disappearance, is unable to meet the person's own needs or to seek help without assistance.

If I may be of further assistance, please advise.

KJS:lnd
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