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BILL ANALYSIS

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House Bill 4819 (Substitute H-2 as passed by the House)
Sponsor: Representative Mark Meadows
House Committee: Senior Health, Security, and Retirement
Senate Committee: Senior Citizens and Veterans Affairs

Date Completed: 12-9-08

CONTENT

The bill would create the "Mozelle Senior Medical Alert Act" to do all of the following:

- Require a law enforcement agency to prepare a report when it received notice of a "missing senior" from a "person familiar with the missing senior".**
- Specify information that would have to be included in a report.**
- Require a law enforcement agency to forward information regarding a missing senior to certain other law enforcement agencies and to one or more area broadcasters.**
- Allow a law enforcement agency to forward a copy of the contents of its report to one or more area newspapers.**
- Require a law enforcement agency to request that broadcasters and newspapers notify the public of a senior medical alert.**
- Require a law enforcement agency to begin an investigation as soon as possible after being notified of a missing senior.**
- Provide limited immunity from civil liability to a broadcaster or newspaper that notified the public of a senior medical alert.**

"Missing senior" would mean a Michigan resident at least 60 years old who is reported missing by a person familiar with the missing senior, and who is believed to be incapable of returning to his or her residence without assistance.

"Person familiar with the missing senior" would mean a missing senior's guardian, custodian, or guardian ad litem or an individual who provides the missing senior with home health aid services, possesses a health care power of attorney for the missing senior, has proof that the missing senior has a medical condition, or otherwise has information regarding the missing senior.

A law enforcement agency that received notice of a missing senior from a person familiar with the missing senior would have to prepare a report that included relevant information obtained from the notification concerning the missing senior, including the following:

- A physical description of the missing senior.
- The date, time, and place that the missing senior last was seen.
- The missing senior's address.

The report also would have to include information gathered by a preliminary investigation, if one were made, and a statement by the law enforcement officer in charge setting forth his or her assessment of the case based upon the evidence and information received.

The law enforcement agency would have to prepare the report as soon as practicable after it received notification of a missing senior.

After obtaining the information required for a report, the law enforcement agency immediately would have to forward the information to all of the following:

- All law enforcement agencies having jurisdiction in the location where the missing senior lived and all law enforcement agencies with jurisdiction in the location where he or she last was seen.
- All law enforcement agencies to which the person who notified the agency about the missing senior requested the report to be sent, if the agency determined that the request was reasonable in light of the information received.
- All law enforcement agencies that requested a copy of the report.
- One or more broadcasters that broadcasted in an area where the missing senior could be located.

Upon completing the report, a law enforcement agency could forward a copy of its contents to one or more newspapers distributed in an area where the missing senior could be located. After forwarding the contents of the report to a broadcaster or newspaper, the law enforcement agency would have to request that the broadcaster or newspaper notify the public that there was a senior medical alert and broadcast or publish a description of the missing senior and any other relevant information that would assist in locating the person.

A law enforcement agency would have to begin an investigation as soon as possible after receiving notification of a missing senior.

A person familiar with the missing senior who notified a law enforcement agency of a missing senior also would have to notify the agency when he or she became aware that the missing senior had been found.

A broadcaster or newspaper that notified the public that there was a senior medical alert and communicated information contained in the report forwarded by a law enforcement agency would be immune from civil liability for an act or omission related to the broadcast or publication. Immunity would not apply, however, to an act or omission that constituted gross negligence or willful, wanton, or intentional misconduct.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate, but minimal, fiscal impact on State and local government. Law enforcement agencies could experience additional administrative and investigative duties under the provisions of the bill, but only to the extent senior citizens were to become missing within their jurisdiction.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.