

Senate Bill 23

By: Senators Davenport of the 44th, Fort of the 39th, Jones of the 10th, James of the 35th, Tate of the 38th and others

AS PASSED

**A BILL TO BE ENTITLED
AN ACT**

1 To establish the "Stacey Nicole English Act" and in her honor to aid in the location of
2 missing persons who may be incapacitated due to serious medical conditions; to amend Title
3 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
4 agencies, so as to prohibit minimum waiting periods for initiating a missing person report;
5 to authorize a state-wide endangered person advisory based on a missing person's severe
6 medical condition; to amend Code Section 40-2-26 of the Official Code of Georgia
7 Annotated, relating to form and contents of application for registration of motor vehicles, so
8 as to provide for emergency contact information in vehicle application registration forms; to
9 provide for related matters; to provide for effective dates; to repeal conflicting laws; and for
10 other 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 "Stacey Nicole English Act."

14 **SECTION 2.**

15 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
16 agencies, is amended by adding a new Code section to read as follows:

17 "35-1-18.

18 No law enforcement agency shall implement a policy or practice which mandates a
19 minimum waiting period before initiating a missing person report with such agency;
20 provided, however, that it shall remain within the discretion of the law enforcement agency
21 to determine what action, if any, is required in response to such a report."

22 **SECTION 3.**

23 Said title is further amended by revising Article 7 of Chapter 3, relating to the state-wide
24 alert system for missing disabled adults, as follows:

25 "ARTICLE 7

26 35-3-170.

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

28 35-3-171.

29 As used in this article, the term:

30 (1) 'Alert system' means the state-wide 'Mattie's Call' alert system for missing disabled
31 adults and medically endangered persons.32 (2) 'Disabled adult' means an adult who is developmentally impaired or who suffers from
33 dementia or some other cognitive impairment.34 (3) 'Local law enforcement agency' means a ~~local~~ law enforcement agency with
35 jurisdiction over the investigation of a missing disabled adult or other medically
36 endangered person.37 (4) 'Medically endangered person' means a person with a known medical condition that
38 might reasonably cause such person to become incapacitated or that may result in
39 life-threatening physiological conditions likely to lead to serious bodily injury or death
40 if not immediately treated.

41 35-3-172.

42 (a) With the cooperation of the office of the Governor, the Georgia Lottery Corporation,
43 and other appropriate law enforcement agencies in this state, the bureau shall develop and
44 implement a state-wide alert system to be activated on behalf of missing disabled adults
45 and medically endangered persons.46 (b) Activation of a state-wide missing person alert system shall not prevent or prohibit any
47 other state or local law enforcement agency from taking additional measures in response
48 to the receipt of a missing person report.

49 35-3-173.

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

51 (b) The director shall adopt rules and issue directives as necessary to ensure proper
52 implementation of the alert system. The rules and directives shall include instructions on
53 the procedures for activating and deactivating the alert system.54 (c) The director shall prescribe forms for use by local law enforcement agencies in
55 requesting activation of the alert system.

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

61 (e) When making a determination whether to activate or whether to request the activation
 62 of a state-wide missing person alert system, both the director and the requesting local law
 63 enforcement agency shall take into consideration the known medical condition of the
 64 missing person if the medical condition may reasonably be considered a cause for the
 65 inability to locate such missing person. In so considering the medical condition of a
 66 missing person, particularly if such condition may be immediately life-threatening or
 67 incapacitating, the director or other authorized person and the requesting law enforcement
 68 official shall be authorized, within his or her discretion, to initiate and request, respectively,
 69 a state-wide endangered person advisory.

70 35-3-174.

71 The staff of personal care homes and assisted living communities shall call the local police
 72 department to report the elopement of any disabled person from the home within 30
 73 minutes of the staff's receiving actual knowledge that such person is missing from the
 74 home.

75 35-3-175.

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

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

81 35-3-176.

82 (a) On notification by a local law enforcement agency that a disabled adult or medically
 83 endangered person is missing, the director shall activate the alert system and notify
 84 appropriate participants in the alert system, as established by rule, if:

85 (1) A local law enforcement agency believes that a disabled adult or medically
 86 endangered person is missing;

87 (2) A local law enforcement agency believes that the disabled adult or medically
 88 endangered person is in immediate danger of serious bodily injury or death;

89 (3) A local law enforcement agency confirms that an investigation has taken place that
 90 verifies the disappearance and eliminates alternative explanations for the disabled adult's
 91 or medically endangered person's disappearance; and

92 (4) Sufficient information is available to disseminate to the public that could assist in
 93 locating the disabled adult or medically endangered person.

94 (b) The area of the alert may be less than state wide if the director determines that the
 95 nature of the event makes it probable that the disabled adult or medically endangered
 96 person did not leave a certain geographic location.

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

99 35-3-177.

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

107 35-3-178.

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

109 (1) Cooperate with the bureau and assist in developing and implementing the alert
 110 system;

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

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

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

117 35-3-179.

118 The director shall terminate any activation of the alert system with respect to a particular
 119 disabled adult or medically endangered person if:

120 (1) The ~~adult~~ person is located or the disappearance is otherwise resolved; or

121 (2) The director determines that the alert system is no longer an effective tool for
122 locating and recovering the disabled adult or medically endangered person.

123 35-3-180.

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

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

130 **SECTION 4.**

131 Code Section 40-2-26 of the Official Code of Georgia Annotated, relating to form and
132 contents of application for registration of motor vehicles, is amended by revising subsection
133 (b) as follows:

134 "(b) Application shall be made by the owner of the vehicle upon blanks prepared by the
135 commissioner for such purposes. The application shall contain a statement of the name,
136 place of residence, and address of the applicant; a brief description of the vehicle to be
137 registered, including its name and model, the name of the manufacturer, the manufacturer's
138 vehicle identification number, and its shipping weight and carrying capacity; from whom,
139 where, and when the vehicle was purchased; the total amount of all liens, if any, thereon,
140 with the name and address of the lienholder; and such other information as the
141 commissioner may require. In addition, the commissioner shall provide to an applicant an
142 opportunity to designate an alternative emergency contact telephone number that shall be
143 made available to a law enforcement officer making a vehicle tag inquiry in the course of
144 conducting official law enforcement business."

145 **SECTION 5.**

146 This Act shall become effective on July 1, 2013; provided, however, that Section 4 shall
147 become effective on January 1, 2014.

148 **SECTION 6.**

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