

## TENNESSEE CARE ALERT (SILVER ALERT) GUIDANCE

Agencies are responsible for entering their own Care Alerts but TBI may assist as requested.

1. Determine if circumstances meet the threshold for a **Care Alert** (TCA 38-6-121):
  - At least 60 years old
  - Unknown whereabouts
  - Any age who suffers from dementia
  - Intellectual, developmental, or physical disability
  - Believed to be unable to return to safety without assistance
2. Enter individual into NCIC as a missing/endangered person
3. Create a Locater Poster
4. Create and distribute a regional BOLO
5. Contact *A Child is Missing* at 888-875-2246 or 954-763-1288 for reverse 911
6. Media Release



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 682**

### **SENATE BILL NO. 1485**

**By Green, Yager**

Substituted for: House Bill No. 1512

By Pitts, Hardaway, Williams, Dunlap, Rogers, Stewart, Windle, Travis, Love, Lynn, Armstrong,  
Powell, Ragan

AN ACT to amend Tennessee Code Annotated, Section 38-6-121, relative to certain vulnerable persons who are missing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 38-6-121, is amended by deleting the language "missing citizen alert program" wherever it appears and substituting instead the language "Care Alert program".

SECTION 2. Tennessee Code Annotated, Section 38-6-121, is amended by deleting subsection (b) in its entirety and substituting instead the following:

(b) For the purpose of this section, "missing citizen" means:

(1) A person whose age at the time the person is first reported missing is sixty (60) years of age or older, whose whereabouts are unknown and who is believed to be in danger because of age, health, mental health conditions, or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance;

(2) A person of any age who suffers from a documented case of dementia; whose whereabouts are unknown; who is believed to be in danger because of the dementia or physical impairment; and is believed to be unable to return to safety without assistance; or

(3) A person whose age at the time the person is first reported missing is eighteen (18) years of age or older; whose whereabouts are unknown; who has an intellectual, developmental, or physical disability; and who is believed to be in danger because of the disability, or is believed to be unable to return to safety without assistance.

SECTION 3. Tennessee Code Annotated, Section 38-6-121(c)(1), is amended by deleting the language "subdivisions (b)(1)-(3)" and substituting instead the language "subdivision (b)(1)" and is further amended by deleting the language "subdivision (b)(4)" and substituting instead the language "subdivision (b)(2) or (b)(3)".

SECTION 4. Tennessee Code Annotated, Section 38-6-121(c)(2), is amended by deleting the language "an impaired mental condition or physical impairment" and substituting instead the language "a physical impairment, dementia, physical disability, intellectual disability, or mental health condition".

SECTION 5. Tennessee Code Annotated, Section 38-6-121, is further amended in subsection (a) and subdivision (c)(1) by deleting the language "dementia or physical impairment" and substituting instead the language "dementia, physical impairment, or disability".

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 1485

PASSED: March 14, 2016

  
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RON RAMSEY  
SPEAKER OF THE SENATE

  
\_\_\_\_\_  
BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 24<sup>th</sup> day of March 2016

  
\_\_\_\_\_  
BILL HASLAM, GOVERNOR


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 TOC: [Tennessee Code Annotated > Title 38 Prevention And Detection Of Crime > Chapter 6 Tennessee Bureau of Investigation > Part 1 General Provisions > 38-6-121. Missing citizen alert program.](#)

*Tenn. Code Ann. § 38-6-121*

TENNESSEE CODE ANNOTATED  
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\*\*\* Current through the 2015 Regular Session \*\*\*

Title 38 Prevention And Detection Of Crime  
Chapter 6 Tennessee Bureau of Investigation  
Part 1 General Provisions

**[GO TO THE TENNESSEE ANNOTATED STATUTES ARCHIVE DIRECTORY](#)**

Tenn. Code Ann. § 38-6-121 (2016)

**Legislative Alert:**

LEXSEE 2015 Tn. SB 2049 -- See sections 1 and 2.

LEXSEE 2015 Tn. SB 1485 -- See sections 1, 2, 3, 4 and 5.

**38-6-121. Missing citizen alert program.**

**(a)** The general assembly finds that in the case of a missing citizen who has wandered due to dementia or physical impairment, the first few hours are critical in finding the citizen. To aid in the identification and location of missing citizens, there is created the missing citizen alert program. This program shall be coordinated by local law enforcement agencies which may choose to seek the assistance of nonprofit organizations such as A Child is Missing or the Alzheimer's Association. Local law enforcement agencies are encouraged to develop area-specific protocols for implementation of this program.

**(b)** For the purpose of this section, "missing citizen" means a person:

**(1)** Whose whereabouts are unknown;

**(2)** Whose age at the time the person is first reported missing is sixty (60) years of age or older and who has an impaired mental condition as determined by a local law enforcement agency; and

**(3)** Who is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance; or

**(4)** A person of any age who suffers from a documented case of dementia, whose whereabouts

are unknown, and who is believed to be in danger because of the dementia or physical impairment, and is believed to be unable to return to safety without assistance.

**(c) (1)** When a local law enforcement agency receives notice that a citizen with a condition described in subdivisions (b)(1)-(3) is missing and has received a caregiver's statement verifying the condition of the missing citizen, or, when the local law enforcement agency receives notice that a citizen with a condition described in subdivision (b)(4) is missing and has received medical documentation of that citizen's dementia or physical impairment, the agency is urged to begin an investigation immediately.

**(2)** Local law enforcement shall enter the report of the missing citizen with an impaired mental condition or physical impairment into the national crime information center (NCIC) within four (4) hours of the completion of the verification process.

**(3)** The alert shall be sent to media outlets in this state at the discretion of the local law enforcement agency. Media outlets shall be strongly encouraged to publicize the information provided in order to promote the safe recovery of the missing citizen. When the alert is sent to media outlets, it shall contain all appropriate information from the local law enforcement agency that may assist in the safe recovery of the missing citizen and a statement instructing anyone with information related to the missing citizen to contact their local law enforcement agency. The alert shall contain all appropriate, descriptive information available, including, but not limited to, the location last seen, vehicle information, clothing worn, and photo, if available, that may assist in the safe recovery of the endangered missing person.

**(4)** Additional local resources that can be utilized, including, but not limited to, reserve units, emergency service units, air support, K-9 units, or automated phone dialer capabilities, shall be identified and maintained as part of the local law enforcement agency's program. Local law enforcement agencies are strongly encouraged to collaborate with surrounding law enforcement agencies to identify additional resources available that will help aid in the safe recovery of endangered missing persons. Local law enforcement agencies may choose to seek the assistance of nonprofit organizations including, but not limited to, A Child is Missing, the Alzheimer's Association, or the Center for Human Identification.

**(5)** The alert shall be cancelled by the local law enforcement agency upon notification that the missing citizen has been found, including cancellation of the missing person entry into NCIC.

**(6)** Nothing contained in this section is intended to deter a law enforcement agency from seeking to find any missing individual as set out by its own policies and procedures.

**(d)** The Tennessee bureau of investigation, the Tennessee Sheriffs' Association and the Tennessee Association of Chiefs of Police are encouraged to educate law enforcement as to the requirements of the missing citizen alert program by methods including, but not limited to: newsletters, press releases, media relations, access to TBI's current media list and educational instruction through the Tennessee law enforcement training academy.

**HISTORY:** Acts 2009, ch. 590, § 1; 2010, ch. 733, § 1.

**NOTES: Cross-References.**

Programs and services for elderly persons, title 71, ch. 2.

Source: [Tennessee > Find Statutes, Regulations, Administrative Materials & Court Rules > TN - Tennessee Code Annotated](#) 

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