

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: Original
POSITION: Oppose
SPONSOR: California Senior Legislature

BILL NUMBER: SB 38
AUTHOR: E. Alquist

BILL SUMMARY: Emergency Services: Silver Alert Systems

This bill would create the "Silver Alert" system, which would require law enforcement agencies, when they receive a report of a missing senior person with an impaired mental condition, to request activation of the emergency alert system within the appropriate local area. The California Highway Patrol (CHP), in consultation with other law enforcement organizations, would be required to develop policies and procedures for the administration of the Silver Alert system.

FISCAL SUMMARY

Up to \$2.2 million in state operations costs for CHP to initiate up to 48 Silver Alerts per year, based on an average cost of \$45,800 per activation of the emergency alert system. The bill could also impose potentially significant state-reimbursable mandate costs for local law enforcement to respond to requests for local Silver Alert activations.

COMMENTS

The Department of Finance opposes this bill because of the following reasons:

- The bill would impose a significant fiscal impact. The bill specifies that it be implemented within existing resources, so CHP would have to redirect resources from other law enforcement activities.
- The bill could impose significant state mandate costs and create additional pressure on the General Fund or the Motor Vehicle Account.

Analyst/Principal (0741) E. Harper	Date	Program Budget Manager Mark Hill	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

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ANALYSIS

A. Programmatic Analysis

Current law provides for an AMBER alert system in California when:

- An abduction has been reported to a law enforcement agency and the agency determines that a child 17 years of age or younger, or an individual with a mental or physical disability, as been abducted and is in imminent danger of serious bodily injury or death.
- Law enforcement determines that there is information availability that, if disseminated to the public, could assist in the safe recovery of the victim.
- Upon activation within an appropriate local area, the Emergency Alert System (EAS) allows broadcast stations, satellite broadcast systems, and cable systems to send and receive emergency information quickly and automatically, even if their facilities are unattended. EAS equipment also provides a method for automatic interruption of regular programming, and is able to relay emergency messages in multiple languages.

The California Highway Patrol (CHP) is the statewide AMBER alert coordinator. In addition to the statewide system, there are four regional AMBER alert programs: San Diego, Orange, Los Angeles, and Alameda counties. When AMBER alerts are called in those jurisdictions, activation would be requested through the county sheriff's department. Activation of EAS outside the initiating county are coordinated with the CHP.

This bill would create a new Silver Alert system, which would:

- Require law enforcement agencies to activate the EAS system when informed that a person who is 65 years of age or older is reported missing if the person has an impaired mental condition and there is information available which, if disseminated to the general public, could assist in safely recovering the missing person.
- Provide that state and local agencies shall use existing state or federal funds to implement the bill.

First initiated in 1999 as a regional program, California initiated a statewide AMBER alert program in 2002. The CHP has received 403 requests for AMBER alerts, resulting in 136 activations since January of 2003. The program has assisted in recovering over 100 children since 2002.

CHP indicates that eleven states currently have some form of an emergency alert system for seniors who have mental or other disabilities. CHP believes that this bill lacks necessary authority for law enforcement to evaluate the potential risk to the missing person before activating an alert. CHP and local law enforcement make this type of an evaluation prior to activating AMBER alerts. CHP estimates the number of Silver Alerts could be double of the number of AMBER Alerts under the bill's criteria.

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According to the Alzheimer's Foundation of America, Alzheimer disease affects approximately five million Americans, including 500,000 Californians, most of whom are senior citizens. Seniors who have impaired mental conditions may wander beyond their homes or care facility unaccompanied and be unable to return due to their condition. These individuals are at risk of exposure to the elements or becoming victims of crime.

B. Fiscal Analysis

CHP indicates that the cost to activate 24 AMBER alerts in 2008 was \$1,099,000, for an average cost of \$45,800. CHP further estimates that there may be twice as many Silver Alerts, with costs estimated at \$2.2 million annually.

Section 6 of Article XIII B of the California Constitution requires the state to reimburse local governments when it mandates a new program or higher level of service with certain exceptions. Although the bill directs local agencies to use existing state or federal funds to carry its provisions, the mandate would still be reimbursable. The bill requires that local law enforcement activate the newly created Silver Alert system if the conditions of the bill are met. Although some activations may already be required under the existing AMBER alert system if a senior with a mental disability is been abducted, SB 38 expands the requirement for activating the Silver Alert system to any missing senior with an impaired mental condition.

Code/Department Agency or Revenue Type	(Fiscal Impact by Fiscal Year)									Fund Code
	SO	PROP			2008-2009		2009-2010		2010-2011	
	LA	98	FC	FC	FC	FC	FC	FC	FC	
2720/CHP	SO	No	C	\$1,100	C	\$2,200	C	\$2,200		0044
8885/Comm St Mndt	LA	No		Unknown, but potentially significant, mandate costs.						0001
<u>Fund Code</u>	<u>Title</u>									
0001	General Fund									
0044	Motor Vehicle Account, STF									