

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: May 28, 2009
POSITION: Oppose
SPONSOR: California Senior Legislature

BILL NUMBER: SB 38
AUTHOR: E. Alquist

BILL SUMMARY: Emergency Services: Missing Senior Alert Systems

Upon receipt by the state of federal funding, this bill would require the Highway Patrol (CHP) to develop policies and procedures for implementation of a missing senior alert system. The bill would also require law enforcement agencies, upon notice that a senior with an impaired mental condition is missing, to implement missing senior alert procedures developed by the CHP and to request that the CHP activate the emergency alert system to locate seniors that have been missing for over 24 hours or who are believed to be in a vehicle.

FISCAL SUMMARY

CHP estimates costs in the range of \$250,000 to \$300,000 to develop a senior person alert information technology system, and \$100,000 to train local law enforcement agencies. While the bill requires CHP to certify that it has received federal funds before this bill is operative, the pending federal legislation would only fund up to 50 percent of state costs. While CHP is not required to implement the Emergency Alert System under this bill, it continues to estimate that it would receive a large number of requests from local law enforcement and continues to estimate up to \$2.2 million in state operations costs to activate 48 missing senior alerts per year, based on an average cost of \$45,800 per activation of the emergency alert system.

Finally, the bill could also impose potentially significant state-reimbursable mandate costs for law enforcement to respond to reports of missing seniors. The bill requires that local law enforcement either to implement the CHP developed policies or, if those policies are not available, to disseminate the information locally.

SUMMARY OF CHANGES

Amendments to this bill since our analysis of the Original version include the following significant amendments which do not change our position: 1) conditions implementation upon receipt of federal funds; 2) requires CHP to develop criteria for law enforcement for implementation of a senior alert system, and 3) provides that local law enforcement can request CHP to activate alerts if the senior is missing for over 24 hours or is believed to be in a vehicle, rather than making statewide activation mandatory.

COMMENTS

The Department of Finance opposes this bill because it could impose significant state mandate costs and create additional pressure on the General Fund by increasing requirements for local law enforcement. Additionally, this bill would impose a significant fiscal impact on CHP and create additional pressure on the Motor Vehicle Account. While the bill specifies that it would only become operative upon receipt of federal funds for the implementation of a missing senior alert system, federal legislation has not yet been enacted to provide grants for this program.

Analyst/Principal Date Program Budget Manager Date
(0741) E. Harper Mark Hill

Department Deputy Director Date

Governor's Office: By: Date: Position Approved
Position Disapproved

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

E. Alquist

May 28, 2009

SB 38

ANALYSIS

A. Programmatic Analysis

Existing 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:

- Require CHP, in consultation with other state and local law enforcement and emergency management organizations, to develop policies and procedures for implementation of a missing senior person alert system by January 1, 2011.
- Require law enforcement agencies, upon notice that a senior with an impaired mental condition was missing, to implement the missing senior alert policies and procedures developed by CHP if there is information available that, if disseminated, would assist in the recovery of the missing senior. If CHP has not developed the senior alert policies, law enforcement agencies shall disseminate the alert locally.
- Permit law enforcement agencies to request that the CHP activate the emergency alert system to locate seniors that have been missing for over 24 hours and believed to be in a vehicle.
- Become operative only upon the state's receipt of federal funds for the purpose of implementing a missing senior alert system.

Discussion: 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. Finance notes that while missing senior alert systems are compared in function to the AMBER alert system, there is a fundamental difference between these alert systems that relates to the evaluation of risk to the missing person. The missing senior alert system proposed by this bill would not necessarily require a risk evaluation to the missing senior, but

E. Alquist

May 28, 2009

SB 38

would rather require a law enforcement response any time a missing senior, with an impaired mental condition, was reported. CHP and local law enforcement perform risk evaluations prior to activating AMBER alerts, and do not activate AMBER alerts for certain cases, such as when a parent abducts a child in a custody dispute and no known risk is suspected to the subject child. Given the criteria of the bill, CHP believes the number of missing senior alerts could be double that of AMBER alerts.

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.

Related Federal Legislation

H.R. 632 (Myrick, 2009) would provide \$10 million, each federal fiscal year from 2010 to 2020, for the U.S. Department of Justice to make grants to states for support of missing senior alert systems. The bill specifies certain activities that could be funded under the grant program, and would require a one-to-one state match. The bill passed in the U.S. House of Representatives in February 2009 and has been referred to the Senate Judiciary Committee.

B. Fiscal Analysis

CHP estimates that \$250,000 to \$300,000 will be needed to develop a senior person alert information technology system, similar to that used in the AMBER alert system. Also, CHP estimates that \$100,000 will be necessary to hold training seminars and produce materials to provide instructions to other law enforcement agencies on the use of the missing senior alert system. While the bill requires that CHP certify that it has received federal funds before it is operative, the pending federal legislation would reimburse only 50 percent of state costs and it is uncertain whether the federal legislation will be enacted.

While CHP is not required to implement the Emergency Alert System under this bill, it continues to estimate that it would receive a large number of requests from local law enforcement and continues to estimate up to \$2.2 million in state operations costs to activate 48 missing senior alerts per year, based on an average cost of \$45,800 per activation of the emergency alert system.

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. The bill requires that local law enforcement activate the missing senior 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 abducted, SB 38 expands the requirement for activating the Silver Alert system to any missing senior with an impaired mental condition.

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)

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AMENDMENT DATE

BILL NUMBER

E. Alquist

May 28, 2009

SB 38

Code/Department Agency or Revenue Type	SO LA CO RV	PROP 98	FC	(Fiscal Impact by Fiscal Year)			Fund Code
				(Dollars in Thousands)			
				2008-2009	2009-2010	2010-2011	
2720/CHP	SO	No		-- C	\$2,575 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						