

CHAPTER 86

(HB 105)

AN ACT relating to missing persons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 39F.180 is amended to read as follows:

- (1) All 911 centers and dispatch centers, law enforcement agencies, law enforcement dispatchers, fire departments, rescue squads, emergency medical service agencies, and emergency management agencies shall report the information required to be reported by administrative regulation, for all reports of persons missing, lost, or overdue, if a search for the lost person has lasted for more than two (2) hours to:
 - (a) The local emergency management director; and
 - (b) The local search and rescue coordinator for the jurisdiction in which the person is reported missing.
- (2)
 - (a) Any ***missing person report***~~search~~ for a missing minor, as that term is defined in KRS 2.015, shall be immediately reported to the Department of Kentucky State Police by the person or organization to whom the missing minor is reported.
 - (b) A ***missing person report***~~search~~ for an impaired person as defined in KRS 39F.010(3)(a) shall immediately be reported as a Golden Alert D to the local emergency management director, local search and rescue coordinator if different from the local emergency manager, local media outlets, and the duty officer of the Division of Emergency Management by the person managing the search or by the organization conducting the search, ***in a manner to be established by county policy.***
 - (c) A ***missing person report***~~search~~ for an impaired person as defined in KRS 39F.010(3)(b) shall immediately be reported as a Golden Alert to the local emergency management director, local search and rescue coordinator if different from the local emergency manager, local media outlets, and the duty officer of the Division of Emergency Management by the person managing the search or by the organization conducting the search. The provisions of this section do not apply to any licensed long-term health care provider conducting a search for a missing resident until the provider requests a search by a person or organization specified in subsection (1) of this section.
 - (d) A ***missing person report***~~search~~ for a veteran at risk shall immediately be reported as a Green Alert to the local emergency management director, local search and rescue coordinator if different from the local emergency management manager, local media outlets, and the duty officer of the Division of Emergency Management by the person managing the search or by the organization conducting the search. The provisions of this section do not apply to any licensed long-term health care provider conducting a search for a missing resident until the provider requests a search by a person or organization specified in subsection (1) of this section.
 - (e) ***The duty officer of the Division of Emergency Management shall contact the Transportation Cabinet if the local search coordinator determines that at any time during a search the use of electronic highway signs will aid in the search and is in the best interest of the missing person.***
 - (f) The making of this report does not relieve the person or organization from the duty to make other notifications and reports required in this section.
- (3) Any search and rescue mission which has lasted four (4) hours without the subject being located shall be immediately reported to the duty officer of the Division of Emergency Management by telephone or radio. ***Any agency, including but not limited to local law enforcement, the Kentucky State Police, fire departments, rescue squads, and emergency management, that initiates a search for any missing person not considered a Golden or Green Alert shall make the notifications indicated in subsection (2) of this section within four (4) hours of initiation of the search. Any search by any agency shall be reported to the Division of Emergency Management by telephone or radio within four (4) hours of initiation by the local search and rescue coordinator, the local emergency management director, or their designee.***
- (4) The results of each lost, missing, or overdue person report or search mission required to be reported under subsections (1) to (3) of this section shall be reported to the division and the local director on forms provided

by the division and containing the information required by administrative regulation. The report shall be filed within twenty (20) days after:

- (a) The search and rescue mission is discontinued; or
 - (b) The victim has not been found and a decision is made to keep the case open or continue searching on a limited basis, whichever occurs earlier.
- (5) Each agency required to notify a local emergency management director or the division of a report of a missing person, or a search mission pursuant to this section shall develop a written standard operating procedure for handling and reporting requests to search for missing, lost, or overdue persons. This standard operating procedure shall be a public record.
- (6) ***The Transportation Cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to develop a written standard operating procedure for handling and reporting requests made by the duty officer of the Division of Emergency Management to initiate the use of electronic highway signs as part of a search for a missing, lost, or overdue person. This standard operating procedure shall be a public record.***
- (7) The contents of reports, information to be conveyed upon notification, and other matters relating to the administration of this section and the securing of information required hereby shall be specified by the division by administrative regulations.
- (8)~~(7)~~ There is no requirement in Kentucky to delay the search for or rescue of any lost, missing, or overdue person. Any person who is reported lost, missing, or overdue, adult or child, may be searched for immediately by any emergency management, fire, law enforcement, emergency medical services, search and rescue, rescue squad, or other similar organization to which a missing or overdue person is reported. ***Any agency searching for a lost or missing person shall utilize existing resources, including but not limited to electronic highway signs, the Amber Alert System, law enforcement communications systems, electronic media, local, regional, and statewide media providers, and the Integrated Public Alert and Warning System, if authorized and under conditions permitted by the federal government.*** No public safety answering point, emergency dispatch center, or 911 center shall delay any call reporting a person lost, overdue, or missing to the organization specified in the county search and rescue annex of the county emergency management plan as responsible for searching for lost, missing, or overdue persons.

Signed by Governor March 23, 2021.