



Kansas Bureau of Investigation

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Before the Senate Committee on
Public Health and Welfare
Regarding SB371
Bob Stuart, Executive Officer
Kansas Bureau of Investigation
February 6th, 2024

Chairperson Gossage and Committee Members:

The KBI and our law enforcement partners take locating missing persons with intellectual disabilities as an important and time sensitive duty. It is therefore with reticence that we oppose SB371 as currently written.

While the KBI understands and agrees with the intent of the bill we believe the proposed addition of “*a missing person who is 18 years of age or older and who has an intellectual disability*” is both too broad and too undefined. As such, there will likely be issues with the current silver alert system. The main issue is that without further definition, rules regarding initiation of a silver alert will be both confusing and difficult to promulgate. The KBI also anticipates a substantial increase in the number of silver alerts which may cause the public to disregard same, reducing the overall effectiveness of all the alert systems.

The KBI notes there is already a endangered persons advisory which is a catch-all for any person (child or adult) whom law enforcement believes is threatened or endangered when the circumstances don't meet AMBER, silver or blue alert criteria. (NOTE- This bill only addresses adults) It isn't created by statute but by KBI policy/procedure. We have used it previously for adults with autism, and who are blind etc., and for persons undergoing mental health crises. Law enforcement across the state already readily seek media and public assistance in a great number of these situations without using the term silver alert, but they maintain discretion on when to seek assistance, and media maintains discretion on when and how often to cover

If this Committee believes a mandate is necessary it needs to be clearly defined. In considering appropriate defining language for the term “intellectual disability” we found K.S.A. 76-12b01(d) which defines same as “significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior”. As if to prove the point, K.S.A. 21-6622 (which regards determining intellectual disability in capital murder cases) adds language pertinent to criminality and requires determination by two licensed physicians or licensed psychologists. Clearly, Kansas law does not provide an easy definition that can be adopted and used as standards and guidance in determining whether to activate a silver alert.

The KBI is left unable to suggest a correct and usable definition but is convinced one is needed in order to have a correctly functioning silver alert system. The KBI will certainly cooperate with mental health care professionals and we are confident working with them will help come up with a definition that will provide law enforcement and the public with an appropriate standard. Without clarity, the KBI and our law enforcement partners will lack guidance to make good decisions and could set the bar either too low, which might lead to overuse and abuse or too high, which might lead to unnecessary delay and increased danger to those persons this bill wishes to aid.

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