

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 185

92ND GENERAL ASSEMBLY

Reported from the Committee on Children and Families, January 27, 2003, with recommendation that the House Committee Substitute for House Bill No. 185 Do Pass.

Taken up for Perfection January 30, 2003. House Committee Substitute for House Bill No. 185 ordered Perfected and printed, as amended.

STEPHEN S. DAVIS, Chief Clerk

0843L.03P

AN ACT

To amend chapter 210, RSMo, by adding thereto two new sections relating to abducted persons, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 210, RSMo, is amended by adding thereto two new sections, to be known as sections 210.1012 and 210.1014, to read as follows:

210.1012. 1. There is hereby created a statewide program called the "Amber Alert Program" referred to in this section as the "program", to aid in the identification and location of abducted persons.

2. For the purposes of this section, "abducted person" means a person whose whereabouts is unknown and whose disappearance poses a credible threat of immediate danger of serious bodily harm or death to such person as determined by local law enforcement.

3. The department of public safety shall develop regions to provide the program. The department of public safety shall coordinate local law enforcement agencies and public commercial television and radio broadcasters to provide an effective program. In the event that a local law enforcement agency opts not to set up a program and an abduction occurs within the jurisdiction, it shall notify the department of public safety who will notify local media in the region.

4. The department of public safety shall have the authority to notify other regions when there is credible evidence that an abduction suspect is moving across regions.

16 **5. The program shall consist of the following:**

17 **(1) A procedure established by rule that local law enforcement agencies may follow**
18 **to verify a person has been abducted. Once the local law enforcement agency verifies an**
19 **abduction has occurred, the local law enforcement agency shall notify the department of**
20 **public safety and recommend the activation of the Amber Alert Program;**

21 **(2) Upon receipt of a notice of a person’s abduction from a local law enforcement**
22 **agency, the department of public safety shall verify the accuracy of the information and**
23 **then issue an alert;**

24 **(3) The alert shall be sent to the designated state emergency alert system**
25 **broadcaster in Missouri. Participating radio and television stations shall issue the alert at**
26 **designated intervals as specified by rule;**

27 **(4) The alert shall include all appropriate information the local law enforcement**
28 **agency has that may assist in the safe recovery of the abducted person and a statement**
29 **instructing anyone with information related to the abduction to contact his or her local law**
30 **enforcement agency;**

31 **(5) The alert shall be cancelled upon department of public safety's notification to**
32 **the designated state emergency alert system broadcaster that the person has been found**
33 **or at the end of the notification period, whichever occurs first. Any local law enforcement**
34 **agency that locates a person who is the subject of an alert shall notify the department of**
35 **public safety as soon as possible that the person has been located.**

36 **6. Participation in an Amber Alert Program is entirely at the option of local law**
37 **enforcement agencies and federally licensed radio and television broadcast stations.**

38 **7. Currently existing alert programs operating as of August 28, 2003, will be**
39 **exempt from this section. Local programs coming on line after the effective date of this**
40 **section will need to conform to the following standards:**

41 **(1) Only be activated in cases of persons whose disappearance poses a credible**
42 **threat of immediate danger of serious bodily harm or death as determined by local law**
43 **enforcement;**

44 **(2) The alert will not be activated in custodial disputes unless there is a credible**
45 **threat of immediate danger of serious bodily harm or death as determined by local law**
46 **enforcement;**

47 **(3) The alert will be activated when there are sufficient details as to the abduction**
48 **of a person as to make the activation of the system useful.**

49 **8. The director of the department of public safety shall promulgate rules for the**
50 **implementation of a statewide program for those entities not having a program. Any rule**
51 **or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under**

52 the authority delegated in this section shall become effective only if it complies with and
53 is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
54 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
55 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
56 effective date or to disapprove and annul a rule are subsequently held unconstitutional,
57 then the grant of rulemaking authority and any rule proposed or adopted after August 28,
58 2003, shall be invalid and void.

59 9. Any person who knowingly makes a false report of an abduction that triggers
60 an alert pursuant to this section is guilty of a class A misdemeanor.

210.1014. 1. There is hereby established the "Alert Missouri System Oversight
2 Committee", whose primary duty shall be to develop criteria and procedures for the alert
3 Missouri system. The committee shall regularly review the function of the alert Missouri
4 system and revise its criteria and procedures to provide for efficient and effective public
5 notification. As soon as practicable, the committee shall adopt criteria and procedures to
6 expand the alert Missouri system to provide urgent public alerts related to homeland
7 security, criminal acts, health emergencies, and other imminent dangers to the public
8 health and welfare.

9 2. The alert Missouri system oversight committee shall have as its members the
10 following: the director of the department of public safety or their designee, who shall serve
11 as its chair; the superintendent of the highway patrol or their designee; one representative
12 of the Missouri sheriff's association; two representatives of the Missouri police chief's
13 association; one representative of small market radio broadcasters; one representative of
14 large market radio broadcasters; one representative of television broadcasters; one citizen
15 representative from each region of the alert Missouri system each of whom shall be
16 appointed by the governor; and any other members the governor shall hereafter deem to
17 be necessary for proper oversight of the alert Missouri system.

18 3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
19 that is created under the authority delegated in this section shall become effective only if
20 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
21 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
22 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
23 to review, to delay the effective date or to disapprove and annul a rule are subsequently
24 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
25 adopted after August 28, 2003, shall be invalid and void.