

FIRST REGULAR SESSION

HOUSE BILL NO. 1119

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LAMPE (Sponsor), NORR, JONES (63), HOLSMAN, TALBOY, CALLOWAY, MORRIS, ENGLUND, WALTON GRAY, ATKINS, SCHUPP AND PACE (Co-sponsors).

1125L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 210.1012 and 210.1014, RSMo, and to enact in lieu thereof two new sections relating to the amber and silver alert system, with a penalty provision.

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

Section A. Sections 210.1012 and 210.1014, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 210.1012 and 210.1014, to read as follows: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 **and Silver Alert** System" referred to in this section as the "system" to aid in the identification and location of an abducted child **or missing endangered adult**.

2. For the purposes of this section, **the following terms shall mean:**

(1) "Abducted child" [means] , a child whose whereabouts are unknown and who is:

[(1)] (a) Less than eighteen years of age and reasonably believed to be the victim of the crime of kidnapping as defined by section 565.110, RSMo, as determined by local law enforcement;

[(2)] (b) Reasonably believed to be the victim of the crime of child kidnapping as defined by section 565.115, RSMo, as determined by local law enforcement; or

[(3)] (c) Less than eighteen years of age and at least fourteen years of age and who, if under the age of fourteen, would otherwise be reasonably believed to be a victim of child kidnapping as defined by section 565.115, RSMo, as determined by local law enforcement;

(2) "Endangered adult", an individual who is:

(a) At least eighteen years of age;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 (b) Incapable by reason of mental illness, mental retardation, dementia, habitual
17 drunkenness, excessive use of drugs, or other physical or mental incapacity of managing
18 or directing the management of the individual's property or providing or directing the
19 provision of self-care; and

20 (c) Harmed or threatened with harm as a result of:

21 a. Neglect;

22 b. Battery; or

23 c. Exploitation of the individual's personal services or property;

24 (3) "Missing endangered adult", a person whose whereabouts are not known and
25 who may be at risk of injury or death, including all of the following persons:

26 (a) A person who is missing as the result of abduction by a stranger;

27 (b) A person whose disappearance may be the result of the commission of a crime;

28 (c) A person whose disappearance occurred under circumstances that are
29 inherently dangerous;

30 (d) A person who is missing for more than thirty days;

31 (e) A missing person who is in need of medical attention or prescription medication;

32 (f) A missing person who may be at risk due to abduction by a noncustodial parent;

33 (g) A missing person who is mentally impaired;

34 (h) A missing person who is less than twenty-one years of age;

35 (i) A missing person who has previously been the victim of a threat of violence or
36 an act of violence;

37 (j) A missing person who has been determined by a law enforcement agency to be:

38 a. At risk of injury or death; or

39 b. A person that meets any of the descriptions in paragraphs (a) to (j) of this
40 subsection;

41 (k) A missing person who is an endangered adult.

42 3. The department of public safety shall develop regions to provide the system. The
43 department of public safety shall coordinate local law enforcement agencies and public
44 commercial television and radio broadcasters to provide an effective system. In the event that
45 a local law enforcement agency opts not to set up a system and an abduction **or report of a**
46 **missing endangered adult** occurs within the jurisdiction, it shall notify the department of public
47 safety who will notify local media in the region.

48 4. The Amber alert **and Silver alert** system shall include all state agencies capable of
49 providing urgent and timely information to the public together with broadcasters and other
50 private entities that volunteer to participate in the dissemination of urgent public information.
51 At a minimum, the Amber alert **and Silver alert** system shall include the department of public

52 safety, highway patrol, department of transportation, department of health and senior services,
53 and Missouri lottery.

54 5. The department of public safety shall have the authority to notify other regions upon
55 verification that the criteria established by the oversight committee has been met.

56 6. Participation in an Amber alert **and Silver alert** system is entirely at the option of
57 local law enforcement agencies and federally licensed radio and television broadcasters.

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

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

10 2. The Amber alert **and Silver alert** system oversight committee shall consist of ten
11 members of which seven members shall be appointed by the governor with the advice and
12 consent of the senate. Such members shall represent the following entities: two representatives
13 of the Missouri Sheriffs' Association; two representatives of the Missouri Police Chiefs
14 Association; one representative of small market radio broadcasters; one representative of large
15 market radio broadcasters; one representative of television broadcasters. The director of the
16 department of public safety shall also be a member of the committee and shall serve as chair of
17 the committee. Additional members shall include one representative of the highway patrol and
18 one representative of the department of health and senior services.

19 3. Members of the oversight committee shall serve a term of four years, except that
20 members first appointed to the committee shall have staggered terms of two, three, and four years
21 and shall serve until their successor is duly appointed and qualified.

22 4. Members of the oversight committee shall serve without compensation, except that
23 members shall be reimbursed for their actual and necessary expenses required for the discharge
24 of their duties.

25 5. The Amber alert **and Silver alert** system oversight committee shall promulgate rules
26 for the implementation of the Amber alert **and Silver alert** system. Any rule or portion of a rule,
27 as that term is defined in section 536.010, RSMo, that is created under the authority delegated
28 in this section shall become effective only if it complies with and is subject to all of the

29 provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and
30 chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly
31 pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul
32 a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
33 proposed or adopted after August 28, 2003, shall be invalid and void.

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