

FIRST REGULAR SESSION
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.

STEPHEN S. DAVIS, Chief Clerk

0843L.03C

AN ACT

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

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 are unknown and whose disappearance poses a credible threat of immediate danger of serious bodily harm or death to a 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.

5. The program shall consist of the following:

(1) A procedure established by rule that local law enforcement agencies may follow to verify a person has been abducted. Once the local law enforcement agency verifies an

19 abduction has occurred, the local law enforcement agency may 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.

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, who shall serve as its chair; one
11 representative of the Missouri sheriff's association; two representatives of the Missouri
12 police chief's association; one representative of small market radio broadcasters; one
13 representative of large market radio broadcasters; one representative of television
14 broadcasters; one citizen representative from each region of the alert Missouri system each
15 of whom shall be appointed by the governor; and any other members the governor shall
16 hereafter deem to be necessary for proper oversight of the alert Missouri system.