

FIRST REGULAR SESSION

SENATE BILL NO. 30

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR GROSS.

Pre-filed December 1, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0038S,04I

AN ACT

To amend chapter 210, RSMo, by adding thereto one new section relating to missing 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 one new section, to be known as section 210.1012, 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 abduction has occurred, the local law enforcement agency may notify the department of public safety and recommend the activation of the Amber alert program;

(2) Upon receipt of a notice of a person abduction from a local law enforcement agency, the department of public safety shall verify the accuracy of the information and then issue an alert via the state emergency alert system;

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

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

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

6. Participation in an amber alert program is entirely at the option of local law enforcement agencies.

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

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

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

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

8. The director of the department of public safety shall promulgate rules for the implementation of a statewide program for those entities not having a program. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if

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

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