

Assembly Bill No. 415

CHAPTER 517

An act to add Section 8594 to the Government Code, relating to emergency services, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 12, 2002. Filed with Secretary of State September 13, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

AB 415, Runner. Emergency services: Emergency Alert System.

Existing law authorizes use of the Emergency Alert System to inform the public of local, state, and national emergencies.

This bill would require law enforcement agencies that are informed of the abduction of a child 17 years of age or younger, or an individual with a proven mental or physical disability, and that determine the victim is in imminent danger of serious bodily injury or death and that there is information available that, if disseminated to the general public, could assist with the safe recovery of the victim, to request, absent extenuating investigative needs, activation of the Emergency Alert System within the appropriate local area. By imposing new duties on local law enforcement agencies, the bill would create a state-mandated local program.

This bill would require the California Highway Patrol, in consultation with the Department of Justice and representatives from other organizations, to develop policies and procedures providing instruction specifying how law enforcement agencies, broadcasters participating in the Emergency Alert System, and any other intermediate emergency services agencies that may institute activation of the Emergency Alert System and, where appropriate, other supplemental warning systems shall proceed after a qualifying abduction has been reported to a law enforcement agency.

The bill would require the California Highway Patrol, in conjunction with the Department of Justice, to develop a comprehensive child abduction education program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.



This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that:

(a) In the year 2000, the California Missing and Unidentified Persons System reflected that there were 695 child abduction cases that involved a stranger abduction or suspicious circumstances that may have indicated a stranger abduction. In Los Angeles County alone, there were 84 child abduction cases that involved a stranger abduction or suspicious circumstances that may have indicated a stranger abduction.

(b) It is essential to utilize maximum public participation to recover children in the most serious child abduction situations.

(c) In child abduction circumstances, law enforcement has information available to disseminate to the general public, that could assist in the safe recovery of the victim, the apprehension of the suspect, or both.

(d) The Amber Plan, first created in Dallas, Texas after the murder of Amber Hagerman, a 9-year-old girl who was abducted in 1996 from her home in Arlington, Texas, makes the Emergency Alert System available for use by law enforcement officials to alert the general public when a child has been abducted and is believed to be in danger.

(e) The goal of the Amber Plan is to coordinate the services of government, law enforcement, and broadcasting agencies in an effort to expedite the recovery of abducted children by coercing the kidnapper to release the child for fear of being caught.

(f) The Amber Plan requires law enforcement to meet certain criteria when evaluating a child abduction before an activation can occur. Therefore, the Amber Plan is not activated for every abduction or custody dispute.

(g) Tragedies, such as those concerning Polly Klaas and Amber Swartz, inspired the Chiefs of Police and the Sheriff's Association of Orange County and Attorney General Bill Lockyer's Office of Victim's Services to develop the Child Abduction Regional Emergency (C.A.R.E.) Alert Program, modeled after the Amber Plan, as a pilot project in Orange County.

(h) The goal of the C.A.R.E. Alert Program is the safe return of an abducted child by establishing an effective partnership between the



community, the media, and law enforcement. A C.A.R.E. alert is the recruitment, via a widespread media alert, of public assistance to locate a child.

(i) The Governor and the California Highway Patrol, in consultation with the Department of Justice, shall implement the use of the Emergency Alert System and other current warning systems in use and establish them statewide so that the statewide system resembles the Amber Plan, Texas' early-warning system to respond to child kidnappings.

SEC. 2. Section 8594 is added to the Government Code, to read:

8594. (a) If an abduction has been reported to a law enforcement agency and the agency determines that a child 17 years of age or younger, or an individual with a proven mental or physical disability, has been abducted and is in imminent danger of serious bodily injury or death, and there is information available that, if disseminated to the general public, could assist in the safe recovery of the victim, the agency, through a person authorized to activate the Emergency Alert System, shall, absent extenuating investigative needs, request activation of the Emergency Alert System within the appropriate local area. Law enforcement agencies shall only request activation of the Emergency Alert System for an abduction if these requirements are met. The Emergency Alert System is not intended to be used for abductions resulting from custody disputes that are not reasonably believed to endanger the life or physical health of a child.

The California Highway Patrol, if requested by a law enforcement agency, shall activate the system.

(b) The California Highway Patrol, in consultation with the Department of Justice, as well as a representative from the California State Sheriffs' Association, the California Police Chiefs' Association, and the California Peace Officers' Association, shall develop policies and procedures providing instruction specifying how law enforcement agencies, broadcasters participating in the Emergency Alert System, and any other intermediate emergency agencies that may institute activation of the Emergency Alert System, and, where appropriate, other supplemental warning systems, shall proceed after a qualifying abduction has been reported to a law enforcement agency. Those policies and procedures shall include, but not be limited to:

(1) Procedures for transfer of information regarding the abducted victim and abduction from the law enforcement agency to the broadcasters;

(2) Specification of the event code or codes that should be used if the Emergency Alert System is activated to report a qualifying child abduction;



- (3) Recommended language for an abduction alert;
- (4) Specification of information that must be included by the reporting law enforcement agency, including which agency a person with information relating to the abduction should contact and how the person should contact the agency; and

(5) Recommendations on the extent of the geographical area to which a child abduction emergency alert should be broadcast.

(c) The California Highway Patrol, in consultation with the Department of Justice, shall review the Amber Plan as adopted by other states and Orange County’s Child Abduction Regional Emergency Alert Program for guidance in developing appropriate policies and procedures for use of the Emergency Alert System and, where appropriate, other supplemental warning systems to report qualifying abductions.

(d) The California Highway Patrol, in conjunction with the Department of Justice, shall develop a comprehensive child abduction education system to educate children in the state on the appropriate behavior to deter abduction. The California Highway Patrol shall convene a group consisting of a representative from the California State Sheriffs’ Association, the California Police Chiefs’ Association, and the California Peace Officers’ Association, representatives of advocacy groups, and the Department of Education to assist in the development of a plan.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure the expedient development of a statewide child abduction alert program to deter child abductions and immediately help aid in the recovery of abducted children, it is necessary that this act take effect immediately.

