

ASSEMBLY BILL

No. 535

Introduced by Assembly Member Quirk

February 20, 2013

An act to amend Section 8594 of the Government Code, relating to the Emergency Alert System.

LEGISLATIVE COUNSEL'S DIGEST

AB 535, as introduced, Quirk. Emergency Alert System.

Existing law requires 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 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.

This bill would provide that, for purposes of activation of the Emergency Alert System, an abductor may include a custodial parent or guardian.

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.

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.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 8594 of the Government Code is amended
2 to read:

3 8594. (a) If an abduction has been reported to a law
4 enforcement agency and the agency determines that a child 17
5 years of age or younger, or an individual with a proven mental or
6 physical disability, has been abducted and is in imminent danger
7 of serious bodily injury or death, and there is information available
8 that, if disseminated to the general public, could assist in the safe
9 recovery of the victim, the agency, through a person authorized to
10 activate the Emergency Alert System, shall, absent extenuating
11 investigative needs, request activation of the Emergency Alert
12 System within the appropriate local area. Law enforcement
13 agencies shall only request activation of the Emergency Alert
14 System for an abduction if these requirements are met. The
15 Emergency Alert System is not intended to be used for abductions
16 resulting from custody disputes that are not reasonably believed
17 to endanger the life or physical health of a child.

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

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

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

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

38 (3) Recommended language for an abduction alert;

1 (4) Specification of information that must be included by the
2 reporting law enforcement agency, including which agency a
3 person with information relating to the abduction should contact
4 and how the person should contact the agency; and

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

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

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

23 (e) *For purposes of activation of the Emergency Alert System,*
24 *an abductor may include a custodial parent or guardian.*

25 SEC. 2. If the Commission on State Mandates determines that
26 this act contains costs mandated by the state, reimbursement to
27 local agencies and school districts for those costs shall be made
28 pursuant to Part 7 (commencing with Section 17500) of Division
29 4 of Title 2 of the Government Code.

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