

AMENDED IN ASSEMBLY APRIL 10, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 535**

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**Introduced by Assembly Member Quirk**

February 20, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

AB 535, as amended, 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 *where the abducted child is in imminent danger of serious bodily injury or death*.

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;

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

4 (3) Recommended language for an abduction alert;

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

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

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

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

27 (e) For purposes of activation of the Emergency Alert System,  
28 an abductor may include a custodial parent or guardian *where the*  
29 *abducted child is in imminent danger of serious bodily injury or*  
30 *death.*

31 SEC. 2. If the Commission on State Mandates determines that  
32 this act contains costs mandated by the state, reimbursement to  
33 local agencies and school districts for those costs shall be made  
34 pursuant to Part 7 (commencing with Section 17500) of Division  
35 4 of Title 2 of the Government Code.

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