

AMENDED IN SENATE AUGUST 15, 2013

AMENDED IN ASSEMBLY APRIL 10, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

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 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~~ *require a law enforcement agency to request, absent extenuating investigative needs, activation of the system when the law enforcement agency receives a report that an abduction has occurred or that a child has been taken by anyone, including a custodial parent or guardian, and makes the above-described determinations.*

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 *receives a report that an abduction has*
 5 *occurred or that a child has been taken by anyone, including, but*
 6 *not limited to, a custodial parent or guardian, and the agency*
 7 *determines that a child 17 years of age or younger, or an individual*
 8 *with a proven mental or physical disability, has been abducted or*
 9 *taken and the victim is in imminent danger of serious bodily injury*
 10 *or death, and there is information available that, if disseminated*
 11 *to the general public, could assist in the safe recovery of the victim,*
 12 *the agency, through a person authorized to activate the Emergency*
 13 *Alert System, shall, absent extenuating investigative needs, request*
 14 *activation of the Emergency Alert System within the appropriate*
 15 *local area. ~~Law A law enforcement agencies agency~~ shall only*
 16 *request activation of the Emergency Alert System ~~for an abduction~~*
 17 *pursuant to this subdivision if these requirements are met. The*
 18 *Emergency Alert System is not intended to be used for abductions*
 19 *resulting from custody disputes that are not reasonably believed*
 20 *to endanger the life or physical health of a child.*
 21 The California Highway Patrol, if requested by a law
 22 enforcement agency, shall activate the system.
 23 (b) The California Highway Patrol, in consultation with the
 24 Department of Justice, as well as a representative from the
 25 California State Sheriffs' Association, the California Police Chiefs'
 26 Association, and the California Peace Officers' Association, shall
 27 develop policies and procedures providing instruction specifying
 28 how *a law enforcement agencies, broadcasters agency, broadcaster*

1 participating in the Emergency Alert System, and any other
2 intermediate emergency ~~agencies~~ *agency* that may institute
3 activation of the Emergency Alert System, and, where appropriate,
4 other supplemental warning systems, shall proceed after a
5 qualifying ~~abduction~~ *event described in subdivision (a)* has been
6 reported to a law enforcement agency. Those policies and
7 procedures shall include, but not be limited to:

8 (1) Procedures for transfer of information regarding the
9 ~~abducted~~ *victim and abduction the qualifying event* from the law
10 enforcement agency to the ~~broadcasters~~; *broadcasters*.

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

14 (3) Recommended language for an ~~abduction alert~~; *emergency*
15 *alert issued pursuant to this section*.

16 (4) Specification of information that ~~must~~ *shall* be included by
17 the reporting law enforcement agency, including which agency a
18 person with information relating to the ~~abduction~~ *qualifying event*
19 should contact and how the person should contact the ~~agency~~; *and*
20 *agency*.

21 (5) Recommendations on the extent of the geographical area to
22 which ~~a child abduction~~ *an emergency alert issued pursuant to*
23 *this section* should be broadcast.

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

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

1 ~~(e) For purposes of activation of the Emergency Alert System,~~
2 ~~an abductor may include a custodial parent or guardian where the~~
3 ~~abducted child is in imminent danger of serious bodily injury or~~
4 ~~death.~~

5 SEC. 2. If the Commission on State Mandates determines that
6 this act contains costs mandated by the state, reimbursement to
7 local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.