

FIRST REGULAR SESSION

SENATE BILL NO. 453

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LeVOTA.

Read 1st time February 17, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2169S.011

AN ACT

To repeal section 210.1012 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 210.1012 as enacted by senate bill no. 84, ninety-fourth general assembly, first regular session, and sections 43.401 and 210.1014, RSMo, and to enact in lieu thereof three new sections relating to the Amber alert system.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 210.1012 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 210.1012 as enacted by senate bill no. 84, ninety-fourth general assembly, first regular session, and sections 43.401 and 210.1014, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 43.401, 210.1012, and 210.1014, to read as follows:

43.401. 1. The reporting of missing persons by law enforcement agencies, private citizens, and the responsibilities of the patrol in maintaining accurate records of missing persons are as follows:

(1) A person may file a complaint of a missing person with a law enforcement agency having jurisdiction. The complaint shall include, but need not be limited to, the following information:

(a) The name of the complainant;

(b) **The name, address, and phone number of the guardian, if any, of the missing person;**

(c) The relationship of the complainant to the missing person;

[(c)] (d) The name, age, address, and all identifying characteristics of the missing person;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 [(d)] (e) The length of time the person has been missing;
14 [(e)] (f) All other information deemed relevant by either the complainant
15 or the law enforcement agency;

16 (2) A report of the complaint of a missing person shall be immediately
17 entered into the Missouri uniform law enforcement system (MULES) and the
18 National Crime Information Center (NCIC) system by the law enforcement agency
19 receiving the complaint, and disseminated to other law enforcement agencies who
20 may come in contact with or be involved in the investigation or location of a
21 missing person;

22 (3) A law enforcement agency with which a complaint of a missing child
23 has been filed shall prepare, as soon as practicable, a standard missing child
24 report. The missing child report shall be maintained as a record by the reporting
25 law enforcement agency during the course of an active investigation;

26 (4) Upon the location of a missing person, or the determination by the law
27 enforcement agency of jurisdiction that the person is no longer missing, the law
28 enforcement agency which reported the missing person shall immediately remove
29 the record of the missing person from the MULES and NCIC files.

30 2. No law enforcement agency shall prevent an immediate active
31 investigation on the basis of an agency rule which specifies an automatic time
32 limitation for a missing person investigation.

210.1012. 1. There is hereby created a statewide program called the
2 "Amber Alert **and Silver Alert System**" referred to in this section as the
3 "system" to aid in the identification and location of an abducted child **or missing**
4 **endangered person.**

5 2. For the purposes of this section, **the following terms shall mean:**

6 (1) "Abducted child" [means], a child whose whereabouts are unknown
7 and who is:

8 [(1)] (a) Less than eighteen years of age and reasonably believed to be
9 the victim of the crime of kidnapping or kidnapping in the first degree as defined
10 by section 565.110 as determined by local law enforcement;

11 [(2)] (b) Reasonably believed to be the victim of the crime of child
12 kidnapping as defined by section 565.115 as determined by local law enforcement;
13 or

14 [(3)] (c) Less than eighteen years of age and at least fourteen years of
15 age and who, if under the age of fourteen, would otherwise be reasonably believed
16 to be a victim of child kidnapping as defined by section 565.115 as determined by

17 local law enforcement;

18 **(2) "Endangered person", an individual who:**

19 **(a) Does not meet the criteria for an Amber alert; and**

20 **(b) Is missing under unexplained, involuntary, or suspicious**
21 **circumstances; and**

22 **(c) Is believed to be in danger because of age, guardianship,**
23 **health, mental or physical disability, environmental or weather**
24 **conditions; or**

25 **(d) Is in the company of a potentially dangerous person or is**
26 **affected by some other factor that may put the individual in peril.**

27 **"Endangered person" does not include any person who is considered to**
28 **be a runaway and to whom paragraphs (b), (c), and (d) of this**
29 **subdivision do not apply.**

30 3. The department of public safety shall develop regions to provide the
31 system. The department of public safety shall coordinate local law enforcement
32 agencies and public commercial television and radio broadcasters to provide an
33 effective system. In the event that a local law enforcement agency opts not to set
34 up a system and an abduction **or report of a missing endangered person**
35 occurs within the jurisdiction, it shall notify the department of public safety who
36 will notify local media in the region.

37 4. The Amber alert **and silver alert** system shall include all state
38 agencies capable of providing urgent and timely information to the public
39 together with broadcasters and other private entities that volunteer to participate
40 in the dissemination of urgent public information. At a minimum, the Amber
41 alert **and silver alert** system shall include the department of public safety,
42 highway patrol, department of transportation, department of health and senior
43 services, and Missouri lottery.

44 5. The department of public safety shall have the authority to notify other
45 regions upon verification that the criteria established by the oversight committee
46 has been met.

47 6. Participation in an Amber alert **and silver alert** system is entirely at
48 the option of local law enforcement agencies and federally licensed radio and
49 television broadcasters.

50 7. Any person who knowingly makes a false report that triggers an alert
51 pursuant to this section is guilty of a class A misdemeanor.

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210.1014. 1. There is hereby created the "[Amber] Alert System
2 Oversight Committee", whose primary duty shall be to develop criteria and
3 procedures for the Amber alert **and silver alert** system and shall be housed
4 within the department of public safety. The committee shall regularly review the
5 function of the Amber alert **and silver alert** system and revise its criteria and
6 procedures in cooperation with the department of public safety to provide for
7 efficient and effective public notification. As soon as practicable, the committee
8 shall adopt criteria and procedures to expand the Amber alert **and silver alert**
9 system to provide urgent public alerts related to homeland security, criminal acts,
10 health emergencies, and other imminent dangers to the public health and welfare.

11 2. The [Amber] alert system oversight committee shall consist of ten
12 members of which seven members shall be appointed by the governor with the
13 advice and consent of the senate. Such members shall represent the following
14 entities: two representatives of the Missouri Sheriffs' Association; two
15 representatives of the Missouri Police Chiefs Association; one representative of
16 small market radio broadcasters; one representative of large market radio
17 broadcasters; one representative of television broadcasters. The director of the
18 department of public safety shall also be a member of the committee and shall
19 serve as chair of the committee. Additional members shall include one
20 representative of the highway patrol and one representative of the department
21 of health and senior services.

22 3. Members of the oversight committee shall serve a term of four years,

23 except that members first appointed to the committee shall have staggered terms
24 of two, three, and four years and shall serve until their successor is duly
25 appointed and qualified.

26 4. Members of the oversight committee shall serve without compensation,
27 except that members shall be reimbursed for their actual and necessary expenses
28 required for the discharge of their duties.

29 5. The [Amber] alert system oversight committee shall promulgate rules
30 for the implementation of the Amber alert **and silver alert system as well as**
31 **rules for the return of the endangered person.** Any rule or portion of a
32 rule, as that term is defined in section 536.010, that is created under the
33 authority delegated in this section shall become effective only if it complies with
34 and is subject to all of the provisions of chapter 536 if applicable, section
35 536.028. This section and chapter 536 are nonseverable and if any of the powers
36 vested with the general assembly pursuant to chapter 536 to review, to delay the
37 effective date or to disapprove and annul a rule are subsequently held
38 unconstitutional, then the grant of rulemaking authority and any rule proposed
39 or adopted after August 28, 2003, shall be invalid and void.

Bill ✓

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