



**House
Legislative
Analysis
Section**

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AMBER ALERT PLAN

House Bill 6444 (Substitute H-1)

Sponsor: Rep. Nancy Cassis

House Bill 6445 (Substitute H-1)

Sponsor: Rep. Laura Toy

First Analysis (12-5-02)

Committee: Family and Children
Services

THE APPARENT PROBLEM:

Following the 1996 kidnapping and murder of 9-year-old Amber Hagerman in Arlington, Texas many localities throughout Texas, and later throughout the country, developed "AMBER Alert" plans. These plans are an outgrowth of an idea that one concerned citizen had, whereby radio stations in the Dallas-Fort Worth area should announce news bulletins of child abductions in a manner similar to that of severe weather warnings. These AMBER plans, which stand for "America's Missing: Broadcast Emergency Response", are notification systems between local law enforcement agencies and broadcasters designed to quickly disseminate information regarding an apparent child abduction to the general public.

In June 2001, First Lady Michelle Engler joined with officials from the Michigan State Police (MSP) and members of the Michigan Broadcasters Association in announcing the establishment of Michigan's AMBER Alert Plan. Under the voluntary plan, radio and television stations receive information regarding an abduction directly from the MSP and broadcast such information every fifteen minutes for the first three hours, every half hour for the following five hours, and continue to provide information of the abduction for the next 40 hours. In September, the *Detroit Free Press* reported that the state was preparing to put AMBER Alerts on 59 message signs on highways in Metro Detroit and Grand Rapids. Additionally, according to committee testimony, the alert system has been successful in at least 22 cases in the state since its inception. Indeed, just a few days ago a Battle Creek area toddler was returned safely to his parents within four hours after the AMBER Alert was issued following his abduction by his cocaine-addicted grandmother.

Despite the existence of the statewide AMBER Alert plan, the plan is merely a voluntary agreement among the state police and the Michigan Association of

Broadcasters. As such, legislation has been introduced that would statutorily require the development of a statewide AMBER alert plan.

THE CONTENT OF THE BILLS:

House Bills 6444 and 6445 would create the Michigan Amber Alert Act and the Child Abduction Broadcast Act, respectively. The bills are tie-barred to each other.

House Bill 6444. Under the bill, the Department of State Police (MSP) would be required to establish and maintain the Michigan Amber Alert plan. The plan would be designed to rapidly disseminate useful information, in a predetermined manner, to radio and television stations within the state. The plan would be activated only in accordance with the policies established by the MSP.

House Bill 6445. Under the bill, a radio or television station that received information regarding a child abduction from the MSP in accordance with the Michigan Amber Alert Act could broadcast that information in any manner to assist in the location of the child or the apprehension of a suspect. The information broadcast would include all of the information provided by the MSP. Additionally, the MSP and the Michigan Association of Broadcasters, in accordance with an agreed upon method, would provide the information to predetermined stations. Further, a radio or television station that accurately broadcasted information concerning a child abduction obtained from the MSP pursuant to an AMBER Alert would be immune from any liability based on the broadcast of that information.

House Bills 6444 and 6445 (12-5-02)

BACKGROUND INFORMATION:

In response to growing public awareness of child abductions – as evidenced by the media circus following the abductions of Samantha Runnion in California, Elizabeth Smart in Utah, Ashley Pond and Miranda Gaddis in Oregon, and Danielle Van Dam in California – many other states have just recently adopted AMBER Alert plans or in the process of developing plans. In addition, there has been federal legislation introduced regarding AMBER Alert Plans.

According to the Polly Klaas Foundation, 30 states have adopted AMBER Alert Programs. Since August 8, 2002, when the foundation launched its AMBER Alert Now Campaign, 16 states have adopted statewide AMBER plans. In addition, the foundation reports that as many as 40 states should have AMBER plans in place by January 2003.

On August 28, 2002 Ohio Governor Bob Taft signed Executive Order 2002-10T creating a statewide Amber Alert system in Ohio. The order established a task force co-chaired by Lt. Governor and Director of Public Safety Maureen O'Connor and Attorney General Betty Montgomery to develop and implement the statewide plan. In addition, the order required the plan to be operational no later than January 1, 2003. On November 8, 2002, the task force issued its report and recommendations concerning the creation of a statewide alert plan. [The report may be accessed at www.ohiopublicsafety.org] The task force's recommendations include the following, which must be developed and coordinated with existing regional AMBER Alert and similar plans:

- Creating a minimum threshold criteria for activating the statewide AMBER Alert;
- Effectively broadcasting information at all levels via radio and television using the Emergency Alert System;
- Communicating information with the public as they travel Interstates and roadways by using a roadside messaging system;
- Disseminating photographs, images, and other relevant public information to law enforcement agencies, stakeholders, and the public through the Law Enforcement Automated Data System (LEADS);
- Creating an AMBER Alert web site and continually updating it to provide for early notifications;

- Providing a computer system that allows for immediate posing of vital information in highly accessed public areas;

- Providing training for law enforcement agencies, broadcasters, and partners on how to implement the system;

- Partnering with government entities, the private sector, and organizations to expansively disseminate information; and

- Creating an ongoing AMBER Alert Steering Committee to guide the continuous development and operation of the statewide plan.

In addition, there have been two bills introduced in the Ohio General Assembly that would require the Department of Public Safety to adopt rules pertaining to the creation and implementation of a statewide emergency alert system to aid in the identification and location of abducted children (SB 290, which passed the Senate on November 21, 2002, and HB 646).

In New York, Governor George Pataki announced on February 5, 2002, the creation of the New York State AMBER Alert Program, which is a collaborative effort among the New York Broadcasters Association, the Capital District Radio Association, the State Police, the State Emergency Management Office, and the Division of Criminal Justice Services. In addition, the governor recently signed into law Chapter 375 of the Laws of New York, 2002 (Senate Bill 7172) which requires the Division of Criminal Justice Services, in consultation with the state police and other agencies, to create a model abduction response and notification plan.

In addition, Indiana recently established its statewide AMBER Alert Plan, prompted by the enactment of P.L. 60-2002 (S. 20) on March 20, 2002. The bill simply permits the missing child clearinghouse to work with radio and television stations to establish an AMBER Alert program, and requires the state police to develop and adopt guidelines regarding the program.

In addition to state action, there has been federal action taken to facilitate the creation of statewide AMBER Alert Systems. On October 2, 2002, President Bush hosted the first ever White House Conference on Missing, Exploited, and Runaway Children. At the conference, the President

announced that the Attorney General will establish the position of AMBER Alert Coordinator within the Justice Department to serve as the nationwide point of contact to assist state and local officials in developing and enhancing AMBER plans, and to promote statewide and regional coordination among those plans. [Attorney General John Ashcroft named Deborah Daniels, Assistant Attorney General for the Office of Justice Programs, as the coordinator.] In addition, the President announced that the Attorney General will also recommend national standards for issuing and disseminating AMBER Alerts as a means to ensure that the use of the system is retained for those rare instances of serious child abductions. Furthermore, the Attorney General and the Secretary of Transportation will provide a total of \$10 million from existing funds to develop AMBER training and education programs; upgrade emergency alert systems; and facilitate the use of electronic highway message boards and other message systems. The White House action largely mirrors provisions of S. 2896, introduced by Senators Kay Bailey Hutchinson (R-Texas) and Dianne Feinstein (D-California). The bill, which would create the National AMBER Alert Network Act of 2002, passed the Senate on September 10, 2002, but subsequently died in the House of Representatives. Identical legislation was introduced in the House (H.R. 5326) by Representative Paul Frost (R-Massachusetts).

Under the Hutchinson-Feinstein Bill, the Secretary of Transportation would implement a program to provide grants to states for the development of enhancement of notification or communication systems along highways for alerts and disseminating other information. The activities funded by such grants could include the development or enhancement of electronic message boards along highways and additional signage, and other means of disseminating information along highways. In addition, the Attorney General would implement a program to provide grants to states for the development or enhancement of programs or activities for the support of AMBER Alert communications plans. The activities funded by such grants could include the development and implementation of education and training programs, and any associated materials relating to the communications plans; law enforcement programs and associated equipment; and other such activities considered appropriate by the Attorney General. For both grant programs, the federal share would not exceed 50 percent of the costs of the funded projects. In addition, the bill authorizes an amount of necessary to carry out the provisions of the act to the

Departments of Transportation and Justice for the 2003 Fiscal Year.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, there are costs to the Department of State Police associated with issuing the types of alerts covered under the bills. Given that the department is already issuing such alerts, however, those costs could likely be absorbed with existing resources. (12-3-02)

ARGUMENTS:

For:

The abduction of a child, perhaps any parent's worst nightmare, requires a concerted effort on the part of law enforcement agencies, as well as the citizenry as a whole. As such, the development of AMBER Alert plans is seen as a necessary step in facilitating actions taken by all to locate an abducted child in an expedited and highly organized manner to ensure his or her safety. In child abductions, time is of the essence. The more quickly the child is found, the greater the likelihood that he or she will be unharmed. Indeed, the U.S. Department of Justice reports that nearly 75 percent of children murdered by non-family members are killed within the first three hours and within 25 miles of the abduction. Even though Michigan has already begun an AMBER Alert Plan, placing the statewide plan in statute will give the plan statutory teeth to ensure its enforcement and existence in the state.

POSITIONS:

There are no positions on the bill.

Analyst: M. Wolf

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.