

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NOS. 1521 & 1302

95TH GENERAL ASSEMBLY

3919L.03P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 43.401, 210.1012, and 210.1014, RSMo, and to enact in lieu thereof three new sections relating to the Amber alert and Silver alert system, with a penalty provision.

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

Section A. Sections 43.401, 210.1012, and 210.1014, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 43.401, 210.1012, and 210.1014, to read as follows: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;

~~(d)~~ (e) The length of time the person has been missing;

~~(e)~~ (f) All other information deemed relevant by either the complainant or the law enforcement agency;

(2) A report of the complaint of a missing person shall be immediately entered into the Missouri uniform law enforcement system (MULES) and the National Crime Information Center

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (NCIC) system by the law enforcement agency receiving the complaint, and disseminated to
18 other law enforcement agencies who may come in contact with or be involved in the
19 investigation or location of a missing person;

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

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

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

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

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

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

6 [(1)] (a) Less than eighteen years of age and reasonably believed to be the victim of the
7 crime of kidnapping as defined by section 565.110, RSMo, as determined by local law
8 enforcement;

9 [(2)] (b) Reasonably believed to be the victim of the crime of child kidnapping as
10 defined by section 565.115, RSMo, as determined by local law enforcement; or

11 [(3)] (c) Less than eighteen years of age and at least fourteen years of age and who, if
12 under the age of fourteen, would otherwise be reasonably believed to be a victim of child
13 kidnapping as defined by section 565.115, RSMo, as determined by local law enforcement;

14 (2) "Endangered person", an individual who:

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

16 (b) Is missing under unexplained, involuntary, or suspicious circumstances; and

17 (c) Is believed to be in danger because of age, guardianship, health, mental or
18 physical disability, environment or weather conditions; or

19 (d) Is in the company of a potentially dangerous person or some other factor exists
20 that may put the person in peril.

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

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

30 4. The Amber alert **and Silver alert** system shall include all state agencies capable of
31 providing urgent and timely information to the public together with broadcasters and other
32 private entities that volunteer to participate in the dissemination of urgent public information.
33 At a minimum, the Amber alert **and Silver alert** system shall include the department of public
34 safety, highway patrol, department of transportation, department of health and senior services,
35 and Missouri lottery.

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

38 6. Participation in an Amber alert **and Silver alert** system is entirely at the option of
39 local law enforcement agencies and federally licensed radio and television broadcasters.

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

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

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

17 Additional members shall include one representative of the highway patrol and one
18 representative of the department of health and senior services.

19 3. Members of the oversight committee shall serve a term of four years, except that
20 members first appointed to the committee shall have staggered terms of two, three, and four years
21 and shall serve until their successor is duly appointed and qualified.

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

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

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