

HOUSE BILL REPORT

HB 1537

As Passed House:

February 21, 2007

Title: An act relating to making a false or misleading material statement that results in an Amber alert.

Brief Description: Making a false or misleading material statement that results in an Amber alert.

Sponsors: By Representatives Lovick, Ericks, O'Brien and Strow.

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 2/5/07, 2/8/07 [DP].

Floor Activity:

Passed House: 2/21/07, 97-0.

Brief Summary of Bill

- Creates a crime that prohibits making a false or misleading material statement that leads to an America's Missing Broadcast Emergency Response (AMBER) alert.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Hurst, Vice Chair; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern, Goodman and Lovick.

Staff: Jim Morishima (786-7191).

Background:

AMBER Alerts.

The America's Missing Broadcast Emergency Response (AMBER) alert system is a system in which broadcasters, cable systems, and law enforcement agencies voluntarily cooperate to assist in finding abducted children. An investigating law enforcement agency may initiate an AMBER alert if certain conditions are met; e.g., the agency must know the child is abducted,

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

the agency must believe the child is in danger of death or serious bodily injury, there must be enough descriptive data available to believe that an AMBER alert will help recover the child, and the incident must be reported to and investigated by a law enforcement agency. A local agency that has its own AMBER alert plan may initiate an AMBER alert on its own. A local agency that does not have its own AMBER alert plan must initiate the alert through the Washington State Patrol.

Crimes Relating to False Statements to Public Servants.

A person who knowingly makes a false or misleading material statement to a public servant is guilty of a gross misdemeanor. For purposes of this crime, "material statement" means a statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

A person is guilty of False Reporting if he or she, knowing that the information is false, initiates a false report or warning of an alleged occurrence or impending occurrence of a fire, explosion, crime, catastrophe, or emergency knowing that the false report is likely to cause evacuation of a building, place of assembly, or transportation facility, or to cause public inconvenience or alarm. False Reporting is a gross misdemeanor.

Summary of Bill:

A person who knowingly makes a false or misleading material statement to a public servant that a child has been abducted and which statement causes the activation of the AMBER alert system is guilty of an unranked class C felony. For purposes of this crime, "material statement" means a statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) The intent of this legislation is to ratchet this crime up one level. The effectiveness of the AMBER alert system is based on the trust of the general public; the audience needs to trust that the information in an AMBER alert is reliable. A false AMBER alert is more serious than other types of false reports because it ties up both state and national resources. This bill will send a message that this behavior will not be tolerated.

(Opposed) None.

Persons Testifying: Representative Lovick, prime sponsor; Mark Allen, Washington State Association of Broadcasters; and Marty Knorr, Washington State Patrol.

Persons Signed In To Testify But Not Testifying: None.