

# SENATE BILL REPORT

## SB 5012

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As Reported by Senate Committee On:  
Judiciary, January 27, 2009

**Title:** An act relating to abducted or missing persons.

**Brief Description:** Directing the Washington state patrol to develop a plan to assist in the recovery of missing persons.

**Sponsors:** Senators Kilmer, Swecker, Haugen, King, Sheldon, Marr, Kauffman, McAuliffe, Parlette and Roach.

**Brief History:**

**Committee Activity:** Judiciary: 1/21/09, 1/27/09 [DPS].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 5012 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, Kohl-Welles, Roach and Tom.

**Staff:** Kim Johnson (786-7472)

**Background:** The AMBER Alert program was created as a result of the 1996 abduction and murder of nine-year old Amber Hagerman from Arlington, Texas. Through community effort, local media was asked to devise a plan to immediately broadcast abduction information. In remembrance of Amber, her name became the nationally recognized acronym for the AMBER Alert (America's Missing Broadcast Emergency Response).

Once law enforcement determines that a child has been abducted and the abduction meets certain criteria, law enforcement issues an AMBER Alert and notifies broadcasters and state transportation officials. The Department of Justice AMBER Alert Coordinator and the National Center for Missing and Exploited Children have provided guidelines for the states when establishing criteria for issuing an alert. As of 2005, all 50 states have adopted an AMBER Alert plan.

The Washington State Patrol (WSP) is lead agency for Washington's Statewide AMBER Alert Plan. The alert provides details about the child and the perpetrator (if known),

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including descriptive information. The Washington Statewide AMBER Alert Plan is the result of a coordinated work effort by the AMBER Alert Advisory Committee (Committee). The Committee membership includes: WSP, Washington State Department of Transportation, Department of Information Services, Washington Association of Broadcasters, the Washington State Military Department Emergency Management Divisions, Engaging and Empowering Citizenship, and a representative of local law enforcement. The Committee has been working together since 2003, but there are no statutes governing the issuance of AMBER Alerts or formally authorizing the WSP and other state agencies to adopt the Statewide AMBER Alert plan.

Some states have also started "Silver Alert programs" for adults with a cognitive impairment who are lost. Silver Alerts are modeled after the AMBER Alert program and are designed to alert the public and law enforcement agencies to help look for and identify missing adults. These programs often are targeted for adults with Alzheimer's disease, other forms of dementia, or other cognitive impairments.

**Summary of Bill (Recommended Substitute):** The WSP must develop and implement an "AMBER Alert plan" for voluntary cooperation between local, state, tribal, and other law enforcement agencies, state governmental agencies, radio and television stations, and cable and satellite systems to enhance the public's ability to assist in recovering abducted children.

The WSP must also develop and implement an "endangered missing person advisory plan" for voluntary cooperation between local, state, tribal, and other law enforcement agencies, state government agencies, radio and televisions stations, and cable and satellite systems to enhance the public's ability to assist in recovering endangered missing persons who do not qualify for inclusions in an AMBER Alert.

**EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Substitute):** The WSP must develop and implement the AMBER Alert plan and the endangered missing person advisory plan within existing resources.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: One of my constituents, Cheryl Ferguson, brought this issue to my attention. Ms. Ferguson's mother went missing in May 2008. She suffered from early signs of dementia, which she was controlling with medication. She left her home in her own vehicle to driver herself to a doctor's appointment and became lost, 24 miles from her home in the woods. Her body was found over six months later. If an alert had been issued on the first day she was missing, Cheryl feels strongly her mother would have been found and she still would be with her family today.

Our AMBER Alert plan is now over four years old and needs to be updated. With developments in technology and new stakeholders we need to take another look at our plan. Codifying the authority of the WSP to adopt the plan is a very important step.

We have a very effective AMBER Alert program in Washington. There is a gap that needs attention. There are other people who go missing in our state and the Endangered Missing Person Alert plan would enable us to figure out the best way to get information out to help find these people, without diluting the effectiveness of the AMBER Alert system.

**Persons Testifying:** PRO: Senator Kilmer, prime sponsor; Mark Allen, Washington Association of Broadcasters/AMBER Alert Advisory Committee Chair; Marty Knorr, WSP.