

# SENATE BILL REPORT

## ESHB 1820

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As of Second Reading

**Title:** An act relating to the blue alert system.

**Brief Description:** Implementing the blue alert system.

**Sponsors:** House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Hope, Lias, Rivers, Ryu, Moscoso, Morris, Hurst, Condotta, Jinkins, Fitzgibbon, Klippert, Johnson, Sells, Reykdal, Billig, Maxwell and Kelley).

**Brief History:** Passed House: 2/29/12, 98-0.

**Committee Activity:**

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**Staff:** Dianne Criswell (786-7433)

**Background:** America's Missing Broadcast Emergency Response (AMBER) Alert System. Washington's AMBER Alert system provides a method to rapidly alert the public to the details of alleged child abductions through the media. The AMBER Alert system is meant to assist with recovery of abducted children through voluntary cooperation between broadcasters, cable systems, and local and state law enforcement agencies.

When a local law enforcement agency determines that an incident qualifies under criteria set for the AMBER Alert system, the agency may activate an AMBER Alert directly in certain circumstances, or submit the information to the Washington State Patrol (WSP). The agency or WSP notifies the Washington State Emergency Management Division, which issues the AMBER Alert to radio and television media through the Emergency Alert System (EAS). Radio and television media broadcast the information about the abduction provided through EAS.

An incident must meet certain criteria before an alert is sent, such as that the child must be abducted and not a runaway and is believed to be in danger of death or serious bodily injury. Broadcasted information typically includes a picture or description of the missing child, details of the abduction, the name and a picture or description of the suspected abductor, and information about the vehicle used by the abductor. The WSP also notifies the Department of Transportation (DOT) of the AMBER Alert, and the DOT places the information on highway traffic signs.

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*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.*

Missing Persons Resources. WSP's Missing and Unidentified Persons Unit oversees efforts to recover missing persons. WSP runs a Missing Children Clearinghouse (Clearinghouse) to distribute information about missing children to local law enforcement agencies, school districts, the Department of Social and Health Services, and the public. The Clearinghouse includes a toll-free, 24-hour telephone hotline. WSP also must maintain a regularly updated computerized link with national and statewide missing-person systems or Clearinghouses.

WSP also promulgates an Endangered Missing Person Advisory Plan to foster voluntary cooperation between law enforcement and state-government agencies and the media to enhance the public's ability to assist in recovering endangered missing persons who do not qualify for inclusion in an AMBER Alert.

Blue Alert Systems. At least seven states, including Maryland, Texas, and Florida, have enacted Blue Alert systems modeled after AMBER Alert systems. Blue Alerts notify law enforcement and the public about descriptions of people suspected of injuring or killing law enforcement officers.

**Summary of Bill:** Within existing resources, WSP, in partnership with the Washington Association of Police Chiefs and Sheriffs, must implement a Blue Alert system to apprehend people suspected of killing or seriously injuring law enforcement officers. The system must be consistent with the AMBER Alert system, the Clearinghouse, and the Endangered Missing Person Advisory Plan.

Law enforcement officers include police officers, the Attorney General and the Attorney General's deputies, sheriffs and the sheriffs' regular deputies, corrections officers, tribal law enforcement officers, park rangers, state and local fire marshals, county and district firefighters, the Washington Department of Fish and Wildlife agents, and federal law enforcement officers.

The Blue Alert system may be activated when the investigating agency – the agency that has primary jurisdiction over the area in which the crime occurred – believes that:

- a suspect has not been apprehended;
- the suspect may be a serious threat to the public;
- sufficient information is available to disseminate to the public to assist in apprehending the suspect;
- release of the information will not compromise the investigation; and
- releasing the victim information will not improperly notify an officer's next of kin.

When a Blue Alert is activated, the investigating agency must provide descriptive information under the Washington Criminal Justice Information Act and the National Crime Information Center system.

Agencies may issue rules and regulations to implement the program, including procedures to support the investigating law enforcement agency as a resource for the receipt, analysis, and dissemination of information about the suspect and the suspect's whereabouts or methods of escape; the process for reporting information to designated media outlets; and criteria for the

investigating agency to determine quickly whether an officer has been seriously injured or killed and a Blue Alert must be activated.

No cause of action may be maintained for civil damages against any radio or television broadcasting station or cable television system, or the employees of those organizations, resulting from information distributed pursuant to a Blue Alert.

**Appropriation:** None.

**Fiscal Note:** Requested on March 1, 2012.

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

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