

HOUSE BILL REPORT

SB 5453

As Passed House:

April 5, 2005

Title: An act relating to civil immunity of radio and television broadcasting organizations participating in the Amber alert system.

Brief Description: Providing civil immunity for broadcasters participating in the Amber alert.

Sponsors: By Senators Delvin, Shin, Kline and Brandland.

Brief History:

Committee Activity:

Judiciary: 3/30/05 [DP].

Floor Activity:

Passed House: 4/5/05, 95-0.

Brief Summary of Bill

- Provides immunity to radio and television broadcasters and cable television systems relating to broadcasts of information supplied by law enforcement pursuant to the "AMBER Alert" broadcast notification system.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 10 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell, Kirby, Serben, Springer and Wood.

Staff: Edie Adams (786-7180).

Background:

The AMBER Alert Plan is a voluntary collaboration between local law enforcement agencies and local broadcasters and cable systems to use radio and television media to assist in the recovery of abducted children. The local law enforcement agency initiating an Amber Alert contacts the Washington State Patrol (WSP). The WSP then notifies the Washington State Emergency Management Division which issues the alert to radio and television media through the Emergency Alert System (EAS). Radio and television media will then broadcast the information about the abduction provided through the EAS. This 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 alert information on highway traffic signs.

An Amber Alert is initiated in abduction cases that meet criteria specified in the AMBER Alert Plan. The main criteria are:

- the child is under the age of 18 and is known to be abducted (not a runaway);
- the child is believed to be in danger of death or serious bodily injury; and
- there is enough descriptive information available to believe that an Amber Alert activation will assist in recovery of the child.

An Amber Alert may be activated directly by a local law enforcement agency that has either an approved local AMBER Alert Plan or a mutual aid agreement with an agency that has an approved plan, or by the WSP if the local law enforcement agency does not have an approved plan.

Summary of Bill:

Radio and television broadcasting stations and cable television systems are given complete immunity from a civil action for damages based on the broadcast of information supplied by law enforcement pursuant to the AMBER Alert voluntary broadcast notification system. The broadcasted information may include, but is not limited to, the name and description of the abducted child, the name and description of a suspected abductor, and the circumstances of the abduction.

The immunity provided in the act does not limit any other immunity or privilege that may apply to a radio or television broadcasting station or cable television system.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill is about kids and returning kids to their families quickly and safely. Time is a critical factor in recovering abducted children. A study by the Attorney General showed that of those children that have been abducted and killed, 74 percent of them were killed in the first three hours after abduction. Broadcasters play an important role in aiding in the recovery of abducted children by broadcasting the information to the public quickly and throughout the state. Last year there were six Amber Alert activations in the state that resulted in three recoveries.

The Federal Communications Commission has authorized activation of the EAS for child abduction cases. The EAS is a voluntary system. Broadcasters get the information from law

enforcement and pass the message through to the public. The broadcaster does not investigate the information and cannot make changes to the information that is broadcasted.

Every state has adopted a statewide AMBER Alert Plan. Concerns have been raised by broadcasters regarding potential liability for participating in Amber Alerts. The bill is intended to encourage broadcaster participation by assuring broadcasters that they won't be exposed to liability for their participation.

Testimony Against: None.

Persons Testifying: Mark Allen, Washington State Association of Broadcasters; Ron Main, Broadband Cable Association of Washington; Jeff DeVere, Washington State Patrol; and Gary Gardner, Comcast.

Persons Signed In To Testify But Not Testifying: None.