

HOUSE BILL REPORT

HB 2774

As Amended by the Senate

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 Barlow, O'Brien, Warnick, Ormsby, Seaquist, Moeller, Morrell and Kelley.

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 1/30/08 [DP].

Floor Activity:

Passed House: 2/7/08, 95-0.

Senate Amended.

Passed Senate: 3/7/08, 42-0.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Creates a crime that prohibits making a false or misleading material statement that leads to an America's Missing Broadcast Emergency Response 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 Kirby.

Staff: Jim Morishima (786-7191).

Background:

America's Missing Broadcast Emergency Response (AMBER) Alerts

The AMBER alert system is a system in which broadcasters, cable systems, and law enforcement agencies voluntarily cooperate to assist in finding abducted children. An

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investigating law enforcement agency may initiate an AMBER alert if certain conditions are met; e.g., the agency must know the child is abducted, 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.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment requires that a defendant have the intent to cause an AMBER Alert in order to be convicted of the crime of knowingly making a false or misleading statement that leads to an AMBER Alert.

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) When an AMBER alert is issued, many people are involved. The broadcast goes out statewide and sometimes interstate. An AMBER alert mobilizes hundreds of eyes and ears and hundreds of agencies. This is why we must increase the penalty to make the punishment fit the crime.

(Opposed) None.

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

Persons Signed In To Testify But Not Testifying: None.