1820-S.E AMS REGA MAYN 114

**ESHB 1820** - S AMD **212**

By Senators Regala, Padden

**NOT ADOPTED 03/02/2012**

 Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec.** There is currently no system in place in Washington state to expedite the apprehension of violent criminals who seriously injure or kill law enforcement officers. Other states have adopted blue alert systems to achieve this objective. The legislature declares that it is necessary to create a statewide blue alert system to speed the apprehension of violent criminals who kill or seriously injure local, state, or federal law enforcement officers.

NEW SECTION. **Sec.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

 (1) "Blue alert system" means a quick response system designed to issue and coordinate alerts following an attack upon a law enforcement officer.

 (2) "Investigating law enforcement agency" means the law enforcement agency that has primary jurisdiction over the area or has been delegated and accepted investigatory responsibility in which a law enforcement officer has been seriously injured or killed.

 (3) "Law enforcement agency" means a general law enforcement agency as defined in RCW 10.93.020 and a limited law enforcement agency as defined in RCW 10.93.020. Such agencies shall include only the following:

 (a) The Washington state patrol;

 (b) All law enforcement agencies and police departments of any political subdivision of the state; and

 (c) The department of corrections.

 (4) "Law enforcement officer" includes an employee of a law enforcement agency who is authorized by law to engage in or supervise the prevention, detection, or investigation of, or the incarceration of any person for, any violation of law, and who has statutory powers of arrest.

 (5) "Officer's employing law enforcement agency" means the law enforcement agency by which the officer is employed.

NEW SECTION. **Sec.** (1) Within existing resources, the Washington state patrol, in partnership with the Washington association of sheriffs and police chiefs, shall study the utilization of blue alert systems in other states to ascertain their effectiveness in apprehending the suspect or in developing additional investigation leads. The study shall include a plan for the implementation of a blue alert system, consistent with the Amber alert program, endangered missing person advisory plan, and the missing person clearinghouse, for voluntary cooperation between local, state, tribal, and other law enforcement agencies, state government agencies, radio and television stations, and cable and satellite systems to enhance the public's ability to assist in apprehending persons suspected of killing or seriously injuring a law enforcement officer. The plan for the blue alert system shall include the following components:

 (a) Procedures to provide support to the investigating law enforcement agency as a resource for the receipt and dissemination of information regarding the suspect and the suspect's whereabouts and/or method of escape;

 (b) The process for reporting the information to designated media outlets in Washington;

 (c) Criteria for the investigating law enforcement agency to determine quickly whether an officer has been seriously injured or killed and a blue alert therefore needs to be requested;

 (d) The process by which the investigating law enforcement agency may request activation of the blue alert system and notify appropriate participants in the blue alert system, when the investigating law enforcement agency believes that:

 (i) A suspect has not been apprehended;

 (ii) A suspect may be a serious threat to the public;

 (iii) Sufficient information is available to disseminate to the public that could assist in locating and apprehending the suspect;

 (iv) Release of the information will not compromise the investigation; and

 (v) Criteria to ensure that releasing the victim information is proper, as to avoid improper next of kin notification.

 (e) The process by which when a blue alert is activated, the investigating law enforcement agency may be required provide descriptive information under the criminal justice information act, chapter 10.98 RCW, and the national crime information center system.

 (f) The process by which the investigating law enforcement agency may terminate the blue alert with respect to a particular suspect when the suspect is located or the incident is otherwise resolved, or when the investigating law enforcement agency determines that the blue alert system is no longer an effective tool for locating and apprehending the suspect.

 (2) The Washington state patrol, in partnership with the Washington association of sheriffs and police chiefs, shall report to the legislature by December, 2012, on the results of the study along with recommendations for legislation to implement a blue alert system in Washington state.

NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act constitute a new chapter in Title 10 RCW.

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|  |  EFFECT: Modifies the definition of law enforcement officer to include only employees of certain law enforcement agencies with statutory powers of arrest. Eliminates requirement for the implementation of the blue alert system and instead requires that the Washington state patrol, in partnership with the Washington association of sheriffs and police chiefs study and develop of plan. Requires the group to report to the legislature with its recommendations. Removes limitation of liability provision and severability clause.    |

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