

# SENATE BILL REPORT

## HB 2774

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As Reported By Senate Committee On:  
Judiciary, February 29, 2008

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

**Brief History:** Passed House: 2/07/08, 95-0.

**Committee Activity:** Judiciary:2/27/08, 2/29/08 [DPA].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass as amended.

Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, McDermott, Roach and Weinstein.

**Staff:** Robert Kay (786-7405)

**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 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.

#### Other Crimes in Washington Law 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 that person's official powers or duties.
- A person is guilty of False Reporting if the person, knowing that the information is false, initiates a false report or warning of an alleged occurrence or impending occurrence of a

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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 (Recommended Amendments):** A person who, with the intent of causing an activation of the voluntary broadcast notification system commonly known as the Amber alert, knowingly makes a false or misleading material statement to a public servant that a child has been abducted and which statement causes an activation, is guilty of a 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 that public servant's official powers or duties. To commit the crime requires both that the person know that the statement the person is making that a child has been abducted is false or misleading, and that the person intended to cause an activation of the Amber alert system.

**EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Amendments):** An intent element is added to the definition of the crime. A person must intend by making or knowingly false or misleading material statement to a public servant to cause an activation of the Amber alert system.

**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:** PRO: This bill establishes a stiffer penalty for anyone who knowingly causes a false Amber alert. This bill makes it a Class C felony to do so, which hopefully will act as a deterrent to such conduct. The punishment will now fit the crime. The broadcasters involved in the issuance of any Amber alert have previously supported a version of this bill that included an extra element in the crime that the person also must intend to cause the activation of an Amber alert. But, the broadcasters also support this bill.

**Persons Testifying:** PRO: Representative Don Barlow, prime sponsor; Becky Bogard, Washington State Broadcasters Association.