

# SENATE BILL REPORT

## SB 5929

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As Reported By Senate Committee On:  
Judiciary, February 28, 2007

**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:** Senator Delvin.

**Brief History:**

**Committee Activity:** Judiciary: 2/20/07, 2/28/07 [DPS].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 5929 be substituted therefor, and the substitute bill do pass.

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

**Staff:** Dawn Noel (786-7472)

**Background:** The America's Missing Broadcast Emergency Response (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 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.

**Summary of Bill (Recommended Substitute):** A person who, with the intent of causing an activation of the AMBER alert system, knowingly makes a false or misleading material statement to a public servant that a child has been abducted and causes an activation is guilty of a class C felony. For purposes of this crime, "material statement" means a statement

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reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

**EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Substitute):** It is clarified that a person must intend to cause an "Amber Alert," in addition to knowingly making a false or misleading material statement to a public servant that a child has been abducted and which statement causes an "Amber Alert," to be guilty of a class C felony.

**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 on Original Bill:** PRO: When one initiates a false Amber Alert, it wastes a lot of public resources and creates a tremendous disruption. An Amber Alert is far more widespread than when a person knowingly makes a false statement to a public official regarding emergencies other than the abduction of a child. The idea behind an Amber Alert is to get many eyes focused on looking for the vehicle carrying the abducted child to return the child as quickly and safely as possible. Because of this, it should be a more serious crime than under other false reporting circumstances. Situations involving false Amber Alerts have occurred in Washington and throughout the country. Elevating the crime of an intentional initiation of a false Amber Alert will serve as a deterrent from making such false reports. It is important to be able to trust the system.

**Persons Testifying:** PRO: Senator Delvin, prime sponsor; Mark Allen, Washington State Association of Broadcasters; Marty Knorr, Washington State Patrol.