

**ESHB 1820 - S AMD 212**

By Senators Regala, Padden

**NOT ADOPTED 03/02/2012**

1 Strike everything after the enacting clause and insert the  
2 following:

3  
4 NEW SECTION. **Sec. 1.** There is currently no system in place in  
5 Washington state to expedite the apprehension of violent criminals who  
6 seriously injure or kill law enforcement officers. Other states have  
7 adopted blue alert systems to achieve this objective. The legislature  
8 declares that it is necessary to create a statewide blue alert system  
9 to speed the apprehension of violent criminals who kill or seriously  
10 injure local, state, or federal law enforcement officers.

11  
12 NEW SECTION. **Sec. 2.** The definitions in this section apply  
13 throughout this chapter unless the context clearly requires otherwise.

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

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

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

25 (a) The Washington state patrol;

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

1 (c) The department of corrections.

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

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

9

10 NEW SECTION. **Sec. 3.** (1) Within existing resources, the  
11 Washington state patrol, in partnership with the Washington  
12 association of sheriffs and police chiefs, shall study the utilization  
13 of blue alert systems in other states to ascertain their effectiveness  
14 in apprehending the suspect or in developing additional investigation  
15 leads. The study shall include a plan for the implementation of a  
16 blue alert system, consistent with the Amber alert program, endangered  
17 missing person advisory plan, and the missing person clearinghouse,  
18 for voluntary cooperation between local, state, tribal, and other law  
19 enforcement agencies, state government agencies, radio and television  
20 stations, and cable and satellite systems to enhance the public's  
21 ability to assist in apprehending persons suspected of killing or  
22 seriously injuring a law enforcement officer. The plan for the blue  
23 alert system shall include the following components:

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

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

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

33 (d) The process by which the investigating law enforcement agency  
34 may request activation of the blue alert system and notify appropriate

1 participants in the blue alert system, when the investigating law  
2 enforcement agency believes that:

- 3 (i) A suspect has not been apprehended;
- 4 (ii) A suspect may be a serious threat to the public;
- 5 (iii) Sufficient information is available to disseminate to the  
6 public that could assist in locating and apprehending the suspect;
- 7 (iv) Release of the information will not compromise the  
8 investigation; and
- 9 (v) Criteria to ensure that releasing the victim information is  
10 proper, as to avoid improper next of kin notification.

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

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

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

26  
27 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act constitute a  
28 new chapter in Title 10 RCW.

29

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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