

SENATE BILL REPORT

SHB 1725

As Reported by Senate Committee On:
Law & Justice, February 17, 2022
Ways & Means, February 28, 2022

Title: An act relating to the creation of an endangered missing person advisory designation for missing indigenous persons.

Brief Description: Concerning the creation of an endangered missing person advisory designation for missing indigenous persons.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Lekanoff, Goodman, Berry, Taylor, Valdez, Bateman, Macri, Peterson, Ramel, Simmons, Orwall, Chopp, Stonier, Harris-Talley and Frame; by request of Attorney General).

Brief History: Passed House: 1/28/22, 95-0.

Committee Activity: Law & Justice: 2/08/22, 2/17/22 [DPA].
Ways & Means: 2/26/22, 2/28/22 [DPA (LAW)].

Brief Summary of Amended Bill

- Requires the Washington State Patrol to establish a missing indigenous person alert designation as part of its endangered missing person advisory plan.
- Expands the definition of missing endangered person to include missing indigenous women or indigenous persons.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford, Kuderer, Pedersen, Salomon and Wagoner.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Ryan Giannini (786-7285)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Law & Justice.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig, Braun, Carlyle, Conway, Dhingra, Gildon, Hasegawa, Hunt, Keiser, Mullet, Muzzall, Pedersen, Rivers, Van De Wege, Wagoner, Warnick and Wellman.

Staff: Trevor Press (786-7446)

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. When a law enforcement agency determines that an incident may qualify for activation of an AMBER alert, the agency notifies the Washington State Patrol (WSP) amber alert coordinator for collaboration. If the WSP AMBER alert coordinator cannot be reached, then approval for an AMBER alert rests with the primary law enforcement agency.

When a missing person does not qualify for an alert under the AMBER alert system, an endangered missing person advisory (EMPA) alert may be activated. Washington's EMPA plan includes a silver alert designation to assist in the recovery of missing endangered persons aged 60 or older.

The WSP is responsible for operating a missing children and endangered person clearinghouse. The clearinghouse distributes information to local law enforcement agencies; school districts; the Department of Children, Youth, and Families; and the general public regarding missing children and endangered persons. The WSP is also responsible for developing and implementing AMBER alert plans and EMPA plans for voluntary cooperation between local, state, tribal, and other law enforcement agencies; state government agencies; radio and television stations; cable and satellite systems; and social media pages and sites to enhance the public's ability to assist in recovering abducted children and missing endangered missing persons.

Summary of Amended Bill: The WSP must develop and implement an endangered missing person advisory (EMPA) plan which includes both silver alert and missing indigenous person alert designations, for voluntary cooperation between local, state, tribal, and other law enforcement agencies; state government agencies; radio and television stations; cable and satellite systems; and social media pages and sites to enhance the public's ability to assist in recovery efforts.

"Missing indigenous person alert" means a missing endangered person advisory that will be

used on a variable message sign and text of the highway advisory radio message when used as part of an activated advisory to assist in the recovery of a missing indigenous person.

The definition of missing endangered person is expanded to includes a missing indigenous woman or indigenous person.

EFFECT OF LAW & JUSTICE COMMITTEE AMENDMENT(S):

- Expands the definition of missing endangered person to include missing indigenous women or indigenous persons.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Substitute House Bill (Law & Justice): *The committee recommended a different version of the bill than what was heard.* PRO: There is a growing crisis across the United States of missing and murdered indigenous women. Indigenous people go missing and are murdered at high rates across the United States. Families of missing indigenous people must often use their own resources to look for their missing family members, while law enforcement have few tools to engage with the media and disseminate public information. This bill provides additional tools to law enforcement and begins to address inequities with information sharing and media coverage among indigenous communities. This information will enable the general public to better participate in the search for missing indigenous people and bring more visibility to this issue. The definition of "missing endangered person" should also reference missing indigenous people. Tribes lack infrastructure in regards to radio broadcasting road signs which is a challenge in accessing alerts. Consultation language should be added to the bill so that tribes may have the ability to shape both the Washington State Patrol's Endangered Missing Person Advisory plan for missing indigenous person alerts, as well as criteria for issuing an alert. Identifying who has the final activation authority should be a joint decision between the tribes and the Washington State Patrol.

Persons Testifying (Law & Justice): PRO: Representative Debra Lekanoff, Prime Sponsor; Karen Condon, Confederated Tribes of the Colville Reservation; Mark Allen, Washington State Association of Broadcasters; Annie Forsman-Adams, WA State Attorney General's Office.

Persons Signed In To Testify But Not Testifying (Law & Justice): No one.

Staff Summary of Public Testimony on Bill as Amended by Law & Justice (Ways & Means): PRO: Indigenous people go missing at an alarming rate. We encounter barriers from lack of tools from law enforcement and the media. Defining indigenous people as endangered is key. In the long journey to justice and accountability, this is a big step. The demise of our missing and indigenous people is not new. There is inter-generational trauma. In a recent study it showed that 85.3 percent, or four in five native women have experienced violence in their life time. This legislation would help to increase trust, particularly as it pertains to our lost loved ones. Help end the mainstream narrative that native indigenous women are less. Fiscal impact is small, but it will have a big impact to get the information out. The Washington State Patrol costs are to upgrade their system. The information of amber and silver alerts are there, but without funding there won't be this new alert to message signs and highway advisory notices. Funding is not in the House nor the Senate budgets. Funding is needed for the WSP to upgrade their system.

Persons Testifying (Ways & Means): PRO: Annie Forsman-Adams, WA State Attorney General's Office; Patricia Whitefoot; Mark Allen, Washington State Association of Broadcasters.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.