

ASSEMBLY BILL No. 322—ASSEMBLYMEN PERKINS, OHRENSCHALL, GOLDWATER, GIBBONS, KOIVISTO, ANDERSON, ANDONOV, ANGLE, ARBERRY, ATKINSON, BEERS, BUCKLEY, CARPENTER, CHOWNING, CHRISTENSEN, CLABORN, COLLINS, CONKLIN, GEDDES, GIUNCHIGLIANI, GOICOECHEA, GRADY, GRIFFIN, GUSTAVSON, HARDY, HETTRICK, HORNE, KNECHT, LESLIE, MABEY, MANENDO, MARVEL, MCCLAIN, MCCLEARY, MORTENSON, OCEGUERA, PARKS, PIERCE, SHERER, WEBER AND WILLIAMS

MARCH 14, 2003

Referred to Committee on Judiciary

SUMMARY—Creates Statewide Alert System for the Safe Return of Abducted Children. (BDR 38-253)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to public services for children; creating the Statewide Alert System for the Safe Return of Abducted Children; creating the Committee for the Statewide Alert System; prescribing the membership and duties of the Committee; prescribing the circumstances under which a law enforcement agency may activate the System; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 432 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 10, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 10, inclusive, of this act, the*
5 *words and terms defined in sections 3, 4 and 5 of this act have the*
6 *meanings ascribed to them in those sections.*



1 **Sec. 3.** *“Broadcaster” means a radio or television*
2 *broadcasting station primarily engaged in, and deriving income*
3 *from, the business of facilitating speech via over-the-air*
4 *communications, both as to pure speech and commercial speech.*

5 **Sec. 4.** *“Committee” means the Committee for the Statewide*
6 *Alert System created by section 7 of this act.*

7 **Sec. 5.** *“System” means the Statewide Alert System for the*
8 *Safe Return of Abducted Children created by section 6 of this act.*

9 **Sec. 6. 1.** *There is hereby created the Statewide Alert*
10 *System for the Safe Return of Abducted Children, which is*
11 *composed of a voluntary partnership among state law enforcement*
12 *agencies, local law enforcement agencies and broadcasters to*
13 *assist in the search for and safe return of abducted children. The*
14 *Children’s Advocate appointed pursuant to NRS 432.157 shall*
15 *administer the System.*

16 **2.** *The agencies and broadcasters that choose to participate in*
17 *the System must agree to comply with the provisions of sections 2*
18 *to 10, inclusive, of this act and any requirements prescribed by the*
19 *Committee for participation in the System.*

20 **3.** *Each law enforcement agency that chooses to participate*
21 *in the System shall:*

22 **(a)** *Adopt a written policy concerning activation of the System*
23 *by the agency consistent with the provisions of sections 2 to 10,*
24 *inclusive, of this act; and*

25 **(b)** *Submit a copy of the written policy to the Children’s*
26 *Advocate appointed pursuant to NRS 432.157.*

27 **Sec. 7. 1.** *There is hereby created the Committee for the*
28 *Statewide Alert System consisting of 12 members as follows:*

29 **(a)** *Five members appointed by the Governor who represent*
30 *local law enforcement agencies;*

31 **(b)** *Five members appointed by the Governor who represent*
32 *state law enforcement agencies;*

33 **(c)** *One representative of this state’s Emergency Alert System,*
34 *appointed by the Nevada Broadcasters Association or its*
35 *successor; and*

36 **(d)** *One representative of the Nevada Broadcasters Association*
37 *or its successor, appointed by that Association.*

38 **2.** *The Governor shall select a Chairman and Vice Chairman*
39 *of the Committee.*

40 **3.** *After the initial terms, each member of the Committee*
41 *serves a term of 3 years, commencing on July 1 of each odd-*
42 *numbered year. A vacancy on the Committee must be filled in the*
43 *same manner as the original appointment.*

44 **4.** *Members of the Committee serve without salary or*
45 *compensation for their travel or per diem expenses.*



1 **Sec. 8. 1.** *The Committee shall, in consultation with the*
2 *Attorney General:*

- 3 (a) *Oversee the System;*
- 4 (b) *Set forth the components of the System;*
- 5 (c) *Supervise and evaluate any training associated with the*
6 *System;*
- 7 (d) *Monitor, review and evaluate the activations of the System*
8 *to determine whether such activations complied with sections 2 to*
9 *10, inclusive, of this act; and*
- 10 (e) *Conduct periodic tests of the System.*

11 **2.** *The Committee may:*

- 12 (a) *Dedicate the System to one or more persons;*
- 13 (b) *Establish a name for the System that is in addition to the*
14 *definition set forth in section 5 of this act; and*
- 15 (c) *Accept gifts, grants and donations for use in carrying out*
16 *the provisions of sections 2 to 10, inclusive, of this act.*

17 **Sec. 9. 1.** *A law enforcement agency which has jurisdiction*
18 *over the investigation of an abducted child who is less than 18*
19 *years of age may activate the System to broadcast an emergency*
20 *bulletin on behalf of the child if:*

- 21 (a) *The law enforcement agency confirmed that the child has*
22 *been abducted;*
- 23 (b) *The child is in danger of serious physical harm or death;*
- 24 (c) *The parents or legal guardian of the child consent to the*
25 *activation of the System on behalf of the child; and*
- 26 (d) *The law enforcement agency has sufficient descriptive*
27 *information about the child or the person who is suspected of*
28 *abducting the child, or other pertinent information, to warrant*
29 *immediate broadcast of the information.*

30 **2.** *Before activation of the System on behalf of a child, the*
31 *law enforcement agency shall determine whether the broadcast of*
32 *information will encompass:*

- 33 (a) *A particular county, region or state; or*
- 34 (b) *More than one state.*

35 **3.** *A law enforcement agency is not required to obtain the*
36 *prior consent of the Committee before activating the System, but*
37 *the Committee may review an activation of the System after the*
38 *activation is complete.*

39 **Sec. 10. 1.** *If a broadcaster that participates in the System*
40 *receives a notification of activation of the System by a law*
41 *enforcement agency concerning an abducted child and as a result*
42 *of that notification broadcasts descriptive information concerning*
43 *the abducted child and other information contained in the*
44 *notification to assist with the safe return of the child, the*



1 *broadcaster is immune from civil liability based upon the*
2 *broadcast of that information.*

3 2. *If a person enters into an agreement with the Committee to*
4 *establish or maintain a website for the System and the agreement*
5 *provides that only the law enforcement agency activating the*
6 *System has the authority or ability to place information on the*
7 *website, the person is immune from civil liability based upon*
8 *the information that is placed on the website by the law*
9 *enforcement agency.*

10 **Sec. 11.** NRS 432.200 is hereby amended to read as follows:

11 432.200 1. A law enforcement agency shall accept every
12 report of a missing child which is submitted to the agency,
13 including, but not limited to, a report made by telephone. Upon
14 receipt of such a report, the agency shall immediately conduct a
15 preliminary investigation and classify the cause of the disappearance
16 of the child as "runaway," "abducted by his parent," "abducted by a
17 stranger" or "cause of disappearance unknown," and shall:

18 (a) Transmit all available information about the child to the
19 Clearinghouse and to the Central Repository for Nevada Records of
20 Criminal History within 36 hours after the report is received;

21 (b) Immediately notify such persons and make such inquiries
22 concerning the missing child as the agency deems necessary;

23 (c) Fully comply with the requirements of the National Child
24 Search Assistance Act of 1990, Title XXXVII of Public Law 101-
25 647, 104 Stat. 4966; and

26 (d) Enter into the National Crime Information Center's Missing
27 Person File and the Repository for Information Concerning Missing
28 Persons within the Central Repository for Nevada Records of
29 Criminal History, as miscellaneous information, any person
30 reasonably believed to have unlawfully abducted or detained the
31 missing child, or aided or abetted ~~such~~ the unlawful abduction or
32 detention.

33 2. A law enforcement agency which has jurisdiction over the
34 investigation of an abducted child and which has obtained a warrant
35 for the arrest of a person suspected in the child's disappearance or
36 concealment shall immediately notify the National Crime
37 Information Center for the entry into the Center's Wanted Person
38 File of identifying and descriptive information concerning:

39 (a) The suspect; and

40 (b) As miscellaneous information, the missing child.

41 The agency shall cross-reference information entered pursuant to
42 this section with the National Crime Information Center's Missing
43 Person File and with the Repository for Information Concerning
44 Missing Persons within the Central Repository for Nevada Records
45 of Criminal History.



1 3. If a missing child is less than 16 years of age or has not been
2 located within 30 days after a report is filed, the law enforcement
3 agency that received the initial report shall, and the Division or the
4 Central Repository for Nevada Records of Criminal History may:

5 (a) Send to the child's parent or guardian a request for certain
6 identifying information regarding the child that the National Crime
7 Information Center recommends be provided; and

8 (b) Ask the child's parent or guardian to provide such
9 identifying information regarding the child.

10 If a law enforcement agency receives the identifying information, it
11 shall transmit all information so released to it to the Division and to
12 the Central Repository. The Division and the Central Repository
13 shall, upon ~~its~~ receipt of the identifying information about the
14 missing child, compare the information with the information that is
15 on file concerning unidentified deceased children. This subsection
16 does not preclude the voluntary release of identifying information
17 about the missing child by his parent or guardian at any time.

18 4. The parent or guardian of a child reported as missing shall
19 promptly notify the appropriate law enforcement agency if the child
20 is found or returned. The law enforcement agency shall then
21 transmit that fact to the National Crime Information Center, the
22 Central Repository for Nevada Records of Criminal History and the
23 Clearinghouse.

24 5. *Nothing in this section requires a law enforcement agency
25 to activate the Statewide Alert System for the Safe Return of
26 Abducted Children created by section 6 of this act.*

27 6. As used in this section, "Division" means the Investigation
28 Division of the Department of Public Safety.

29 **Sec. 12.** 1. On or before July 1, 2003, the Governor shall:

30 (a) Appoint five members to the Committee for the Statewide
31 Alert System pursuant to section 7 of this act to terms commencing
32 on July 1, 2003, and expiring on June 30, 2005.

33 (b) Appoint five members to the Committee for the Statewide
34 Alert System pursuant to section 7 of this act to terms commencing
35 on July 1, 2003, and expiring on June 30, 2006.

36 2. On or before July 1, 2003, the Nevada Broadcasters
37 Association shall appoint two members to the Committee for the
38 Statewide Alert System pursuant to section 7 of this act to terms
39 commencing on July 1, 2003, and expiring on June 30, 2006.

40 **Sec. 13.** 1. This section and sections 7 and 12 of this act
41 become effective upon passage and approval.

42 2. Sections 1 to 6, inclusive, and 8 to 11, inclusive, of this act
43 become effective on July 1, 2003.

