

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, Ocegüera, Parks, Pierce, Sherer, Weber and Williams

CHAPTER.....

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) *Oversee the System;*

(b) *Set forth the components of the System;*

(c) *Supervise and evaluate any training associated with the System;*

(d) *Monitor, review and evaluate the activations of the System to determine whether such activations complied with sections 2 to 10, inclusive, of this act; and*

(e) *Conduct periodic tests of the System.*

2. *The Committee may:*

(a) *Dedicate the System to one or more persons;*

(b) *Establish a name for the System that is in addition to the definition set forth in section 5 of this act; and*

(c) *Accept gifts, grants and donations for use in carrying out the provisions of sections 2 to 10, inclusive, of this act.*

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

(a) The law enforcement agency confirmed that the child has been abducted;

(b) The child is in danger of serious physical harm or death; and

(c) The law enforcement agency has sufficient descriptive information about the child or the person who is suspected of abducting the child, or other pertinent information, to warrant immediate broadcast of the information.

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

(a) A particular county, region or state; or

(b) More than one state.

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

Sec. 10. *1. If a broadcaster that participates in the System receives a notification of activation of the System by a law enforcement agency concerning an abducted child and as a result of that notification broadcasts descriptive information concerning the abducted child and other information contained in the notification to assist with the safe return of the child, the broadcaster is immune from civil liability based upon the broadcast of that information.*

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

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

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

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

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

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

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

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

(a) The suspect; and

(b) As miscellaneous information, the missing child.

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

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

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

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

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

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

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

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

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

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

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

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

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

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