

HOUSE BILL No. 1277

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-13-5; IC 12-7-2-131.3; IC 12-10-18.

Synopsis: Amber alert for the elderly. Requires the state police to issue an Amber alert to assist in the search for a missing endangered senior. Provides that a law enforcement agency that receives a notification concerning a missing endangered senior must prepare and forward a report concerning the missing endangered senior within five hours to: (1) other law enforcement agencies; (2) the National Crime Information Center; (3) the data and communication system; and (4) broadcasters participating in the Amber alert program. Makes conforming amendments.

Effective: July 1, 2005.

Austin, Becker, Budak

January 11, 2005, read first time and referred to Committee on Family, Children and Human Affairs.

C
O
P
Y



First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

C
o
p
y

HOUSE BILL No. 1277



A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 10-13-5-1 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this
- 3 chapter, "Amber alert program" means a program under which the
- 4 clearinghouse transmits information about a recently abducted child or
- 5 **missing endangered senior** to broadcasters who:
- 6 (1) have agreed to participate in the program; and
- 7 (2) immediately and repeatedly broadcast the information to the
- 8 general public.
- 9 SECTION 2. IC 10-13-5-4.5 IS ADDED TO THE INDIANA CODE
- 10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 11 1, 2005]: **Sec. 4.5. As used in this chapter, "missing endangered**
- 12 **senior" means an individual at least sixty-five (65) years of age who**
- 13 **is reported missing to a law enforcement agency and is, or is**
- 14 **believed to be:**
- 15 (1) **a temporary or permanent resident of Indiana;**
- 16 (2) **at a location that cannot be determined by an individual**
- 17 **familiar with the missing individual; and**



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

(3) incapable of returning to the individual's residence without assistance.

SECTION 3. IC 10-13-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The clearinghouse may operate an Amber alert program.

(b) Upon the establishment of an Amber alert program, the clearinghouse may enter into an agreement with one (1) or more broadcasters to operate the Amber alert program under this chapter.

(c) The superintendent shall designate staff responsible for the operation of the Amber alert program.

(d) The department shall adopt guidelines governing the clearinghouse's operation of the Amber alert program. The department's guidelines may require that staff, upon receiving a report:

- (1) that a child has been abducted; or**
 - (2) that there is a missing endangered senior;**
- immediately send by facsimile (fax) transmission or other means of communication a description of the abducted child **or missing endangered senior** to one (1) or more broadcasters participating in the Amber alert program.

(e) A broadcaster participating in the Amber alert program shall immediately broadcast:

- (1) a description of the abducted child **or missing endangered senior; and**
- (2) other information that will assist in locating the abducted child **or missing endangered senior;**

to the general public in accordance with the Amber alert plan agreement between the clearinghouse and the broadcaster.

(f) The department shall adopt guidelines governing the voluntary Amber alert program agreement between the clearinghouse and a broadcaster. The voluntary agreement between the clearinghouse and the broadcaster may include the following provisions:

- (1) Upon receiving a notification as part of the Amber alert program, the broadcaster shall broadcast the information contained on the notice on an intermittent basis for a period of time as provided in the agreement between the clearinghouse and the broadcaster.
- (2) The broadcaster shall treat the Amber alert notification as an emergency.
- (3) The broadcaster shall ensure that the facsimile (fax) transmission machine or other communications device used to receive an Amber alert notification is:

- (A) generally available to receive an Amber alert notification;

C
o
p
y



1 and
 2 (B) located such that the broadcaster will immediately become
 3 aware of an incoming Amber alert notification.
 4 SECTION 4. IC 10-13-5-8.5 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8.5. (a) A broadcaster
 6 that has agreed to participate in the Amber alert program and that:
 7 (1) receives an Amber alert notification from the department; and
 8 (2) broadcasts:
 9 (A) a description of the abducted child **or missing**
 10 **endangered senior** contained in the notification; and
 11 (B) other information contained in the notification that will
 12 assist in locating the child **or missing endangered senior**;
 13 is immune from civil liability based on the broadcast of the information
 14 received from the department.
 15 (b) If:
 16 (1) a person enters into an agreement with the department to
 17 establish or maintain an Amber alert web site; and
 18 (2) the agreement provides that only the department has the
 19 ability to place information on the web site;
 20 the person is immune from civil liability for the information placed on
 21 the web site by the department. However, this subsection does not
 22 affect the applicability of IC 34-13-3 to the department.
 23 SECTION 5. IC 10-13-5-9 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. If a missing child **or**
 25 **missing endangered senior** is found, the:
 26 (1) child's parent or legal custodian shall notify the law
 27 enforcement agency that received the missing child notification
 28 under IC 31-36 (or IC 31-6-13 before its repeal); **or**
 29 (2) **individual familiar with the missing endangered senior**
 30 **shall notify the law enforcement agency that received the**
 31 **missing endangered senior notification under IC 12-10-18.**
 32 SECTION 6. IC 10-13-5-10 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) Upon receiving
 34 notification from:
 35 (1) a parent or legal custodian that a missing child has been
 36 found; **or**
 37 (2) **an individual familiar with a missing endangered senior**
 38 **that the missing endangered senior has been found**;
 39 a law enforcement agency shall immediately notify the clearinghouse.
 40 (b) Not later than sixty (60) days after the law enforcement agency
 41 described in subsection (a) complies with the requirements under
 42 federal law for periodic updates of the entries made to the National

C
O
P
Y



1 Crime Information Center (NCIC) concerning a missing child, the law
 2 enforcement agency described in subsection (a) shall review reports
 3 made to the clearinghouse and update the information.

4 SECTION 7. IC 12-7-2-131.3 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2005]: **Sec. 131.3. "Missing endangered
 7 senior", for purposes of IC 12-10-18, has the meaning set forth in
 8 IC 10-13-5-4.5.**

9 SECTION 8. IC 12-10-18 IS ADDED TO THE INDIANA CODE
 10 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2005]:

12 **Chapter 18. Reports of Missing Endangered Seniors**

13 **Sec. 1. A law enforcement agency that receives a notification
 14 concerning a missing endangered senior shall prepare a report on
 15 the missing endangered senior. That report must include the
 16 following:**

17 **(1) Relevant information obtained from the notification
 18 concerning the missing endangered senior, including the
 19 following:**

20 **(A) A physical description of the missing endangered
 21 senior.**

22 **(B) The date, time, and place that the missing endangered
 23 senior was last seen.**

24 **(C) The missing endangered senior's address.**

25 **(2) Information gathered by a preliminary investigation, if
 26 one was made.**

27 **(3) A statement by the law enforcement officer in charge
 28 stating the officer's assessment of the case based on the
 29 evidence and information received.**

30 **Sec. 2. A law enforcement agency shall prepare the report
 31 required by section 1 of this chapter as soon as practicable, but not
 32 later than five (5) hours after the law enforcement agency receives
 33 notification of a missing endangered senior.**

34 **Sec. 3. Upon completion of the report required by section 1 of
 35 this chapter, a law enforcement agency shall immediately forward
 36 the contents of the report to:**

37 **(1) all law enforcement agencies that have jurisdiction in the
 38 location where the missing endangered senior lives and all law
 39 enforcement agencies that have jurisdiction in the location
 40 where the missing endangered senior was last seen;**

41 **(2) all law enforcement agencies to which the person who
 42 made the notification concerning the missing endangered**

**C
o
p
y**



1 senior requests the report be sent, if the law enforcement
2 agency determines that the request is reasonable in light of
3 the information received;
4 (3) all law enforcement agencies that request a copy of the
5 report;
6 (4) the Indiana clearinghouse for information on missing
7 children established under IC 10-13-5;
8 (5) the Indiana data and communication system (IDACS); and
9 (6) the National Crime Information Center's Missing Person
10 File, if appropriate.

11 Sec. 4. A law enforcement agency shall begin an investigation
12 concerning the missing endangered senior not later than
13 twenty-four (24) hours after receiving notification of a missing
14 endangered senior.

C
O
P
Y

