

HOUSE BILL No. 1248

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-13-5.

Synopsis: Child safety alerts. Specifies that missing endangered children are included in the silver alert program. Defines missing endangered children as a missing child who is incapable of returning to the missing child's residence because of physical or mental incapacities.

Effective: July 1, 2018.

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January 16, 2018, read first time and referred to Committee on Family, Children and Human Affairs.



Second Regular Session of the 120th General Assembly (2018)

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 a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1248

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 10-13-5-4.4 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2018]: **Sec. 4.4. As used in this chapter, "missing endangered
4 child" means a missing child who is believed to be incapable of
5 returning to the missing child's residence without assistance
6 because of:**

- 7 **(1) mental illness;**
- 8 **(2) intellectual disability; or**
- 9 **(3) another physical or mental incapacity that includes social,
10 cognitive, and communication challenges.**

11 SECTION 2. IC 10-13-5-4.6, AS ADDED BY P.L.43-2009,
12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2018]: **Sec. 4.6. As used in this chapter, "silver alert program"**
14 **means a program under which the clearinghouse transmits information**
15 **about missing endangered adults or missing endangered children to**
16 **broadcasters who:**

- 17 **(1) have agreed to participate in the program; and**



- 1 (2) immediately and repeatedly broadcast the information to the
2 general public.
- 3 SECTION 3. IC 10-13-5-8, AS AMENDED BY P.L.43-2009,
4 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2018]: Sec. 8. (a) The clearinghouse shall operate an Amber
6 alert program and the silver alert program.
- 7 (b) Upon the establishment of an Amber alert program, and the
8 silver alert program, the clearinghouse may enter into an agreement
9 with one (1) or more broadcasters to operate the Amber alert program
10 and the silver alert program under this chapter.
- 11 (c) The superintendent shall designate staff responsible for the
12 operation of the Amber alert program and the silver alert program.
- 13 (d) The department shall adopt guidelines governing the
14 clearinghouse's operation of the Amber alert program and the silver
15 alert program. The department's guidelines may require that staff, upon
16 receiving a report that a child has been abducted or an **endangered**
17 **child or** endangered adult is missing, immediately send by facsimile
18 (fax) transmission or other means of communication a description of
19 the abducted child or missing **endangered child or** endangered adult
20 to one (1) or more broadcasters participating in the Amber alert
21 program or the silver alert program. The guidelines must include
22 criteria that the clearinghouse shall use in determining whether to issue
23 a silver alert and the geographic area or region in which to issue the
24 silver alert.
- 25 (e) A broadcaster participating in the Amber alert program, or the
26 silver alert program shall immediately broadcast:
- 27 (1) a description of the abducted child, **missing endangered**
28 **child**, or missing endangered adult; and
- 29 (2) other information that will assist in locating the abducted
30 child, **missing endangered child**, or missing endangered adult;
31 to the general public in accordance with the Amber alert plan
32 agreement, or the silver alert plan agreement between the
33 clearinghouse and the broadcaster.
- 34 (f) The department shall adopt guidelines governing the voluntary
35 Amber alert program agreement, and the voluntary silver alert program
36 agreement between the clearinghouse and a broadcaster. The voluntary
37 agreements between the clearinghouse and the broadcaster may include
38 the following provisions:
- 39 (1) Upon receiving a notification as part of the Amber alert
40 program, or the silver alert program, the broadcaster shall
41 broadcast the information contained on the notice on an
42 intermittent basis for a period of time as provided in the



1 agreements between the clearinghouse and the broadcaster.

2 (2) The broadcaster shall treat the Amber alert notification, or the
3 silver alert notification as an emergency.

4 (3) The broadcaster shall ensure that the facsimile (fax)
5 transmission machine or other communications device used to
6 receive an Amber alert notification, or a silver alert notification
7 is:

8 (A) generally available to receive an Amber alert notification,
9 or a silver alert notification; and

10 (B) located such that the broadcaster will immediately become
11 aware of an incoming Amber alert notification, or silver alert
12 notification.

13 SECTION 4. IC 10-13-5-8.1, AS AMENDED BY P.L.43-2009,
14 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2018]: Sec. 8.1. (a) In addition to an agreement with a
16 broadcaster under section 8 of this chapter, the clearinghouse may enter
17 into an agreement with one (1) or more electronic billboard operators
18 to display Amber alerts or silver alerts under this section. An
19 agreement under this section may include a limitation on the days and
20 times that the electronic billboard operator is required to have staff
21 present to receive an Amber alert or a silver alert notification.

22 (b) The department's guidelines adopted under section 8 of this
23 chapter may require staff, upon receiving a report that a child has been
24 abducted, **an endangered child is missing**, or an endangered adult is
25 missing, to immediately send by facsimile (fax) transmission or other
26 means of communication a description of the abducted child, **missing**
27 **endangered child**, or missing endangered adult to one (1) or more
28 electronic billboard operators participating in the Amber alert program
29 or silver alert program if the Amber alert or silver alert occurs during
30 a period when the electronic billboard operator has agreed to have staff
31 present to receive an Amber alert notification or a silver alert
32 notification.

33 (c) An electronic billboard operator participating in the Amber alert
34 program or silver alert program shall immediately display:

35 (1) a description of the abducted child, **missing endangered**
36 **child**, or missing endangered adult; and

37 (2) other information that will assist in locating the abducted
38 child, **missing endangered child**, or missing endangered adult;
39 to the general public in accordance with the Amber alert plan
40 agreement or silver alert plan agreement between the clearinghouse and
41 the electronic billboard operator.

42 (d) The department shall adopt guidelines governing the voluntary



1 Amber alert program and the voluntary silver alert program agreements
 2 between the clearinghouse and an electronic billboard operator. The
 3 voluntary agreements between the clearinghouse and the electronic
 4 billboard operator may include the following provisions:

5 (1) Upon receiving a notification as part of the Amber alert
 6 program, or the silver alert program, the electronic billboard
 7 operator shall display the information contained in the notice on
 8 an intermittent basis for a period of time as provided in the
 9 agreements between the clearinghouse and the electronic
 10 billboard operator.

11 (2) The electronic billboard operator shall treat the Amber alert
 12 notification or the silver alert notification as an emergency.

13 (3) The electronic billboard operator shall ensure that the
 14 facsimile (fax) transmission machine or other communications
 15 device used to receive an Amber alert notification or a silver alert
 16 notification is:

17 (A) generally available to receive an Amber alert notification,
 18 or a silver alert notification; and

19 (B) located such that the electronic billboard operator will
 20 immediately become aware of an incoming Amber alert
 21 notification or a silver alert notification received during days
 22 and times when staff is present to receive an Amber alert
 23 notification or a silver alert notification.

24 SECTION 5. IC 10-13-5-8.5, AS AMENDED BY P.L.43-2009,
 25 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2018]: Sec. 8.5. (a) A broadcaster or electronic billboard
 27 operator that has agreed to participate in the Amber alert program or
 28 silver alert program and that:

29 (1) receives an Amber alert notification or a silver alert
 30 notification from the department; and

31 (2) broadcasts or displays:

32 (A) a description of the abducted child, **missing endangered**
 33 **child**, or missing endangered adult contained in the
 34 notification; and

35 (B) other information contained in the notification that will
 36 assist in locating the child or missing endangered adult;

37 is immune from civil liability based on the broadcast or display of the
 38 information received from the department.

39 (b) If:

40 (1) a person enters into an agreement with the department to
 41 establish or maintain an Amber alert web site or a silver alert web
 42 site; and



1 (2) the agreement provides that only the department has the
2 ability to place information on the web site;
3 the person is immune from civil liability for the information placed on
4 the web site by the department. However, this subsection does not
5 affect the applicability of IC 34-13-3 to the department.

6 SECTION 6. [EFFECTIVE JULY 1, 2018] **(a) The clearinghouse**
7 **and:**

8 **(1) broadcasters participating in an agreement under**
9 **IC 10-13-5-8; or**

10 **(2) electronic billboard operators in an agreement under**
11 **IC 10-13-5-8.1;**

12 **may make any changes to an agreement entered into under**
13 **IC 10-13-5-8 or IC 10-13-5-8.1 that are necessary to implement the**
14 **inclusion of missing endangered children in the silver alert**
15 **program.**

16 **(b) This SECTION expires July 1, 2022.**

