



February 27, 2018

ENGROSSED HOUSE BILL No. 1248

DIGEST OF HB 1248 (Updated February 26, 2018 10:46 am - DI 104)

Citations Affected: IC 10-13; noncode.

Synopsis: Child safety alerts. Specifies that missing endangered children are included in the silver alert program. Defines "missing endangered child" as a missing child who is incapable of returning to the missing child's residence because of physical or mental incapacities. Specifies that state police department guidelines may require that reports of a missing endangered child be sent to broadcasters and electronic billboard operators electronically or by other means of communication. (Current law specifies that guidelines may require that reports be sent by facsimile or other communications device.)

Effective: July 1, 2018.

Negele, Porter, Hamm, Olthoff

(SENATE SPONSOR — HOUCHIN, LANANE)

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

January 30, 2018, reported — Do Pass.

February 1, 2018, read second time, ordered engrossed. Engrossed.

February 5, 2018, read third time, passed. Yeas 93, nays 0.

SENATE ACTION

February 7, 2018, read first time and referred to Committee on Family and Children Services.

February 26, 2018, amended, reported favorably — Do Pass.

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February 27, 2018

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.

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

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



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

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

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

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

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

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

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

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

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

41 (d) The department shall adopt guidelines governing the voluntary
42 Amber alert program and the voluntary silver alert program agreements



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

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

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

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

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

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

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

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

30 (2) broadcasts or displays:

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

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

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

38 (b) If:

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

42 (2) the agreement provides that only the department has the



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

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

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

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

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

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



COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1248, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1248 as introduced.)

FRIZZELL

Committee Vote: Yeas 9, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred House Bill No. 1248, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 9, delete "incapacity that includes social," and insert "**disability**."

Page 1, delete line 10.

Page 2, line 17, strike "by facsimile" and insert "**electronically or by**".

Page 2, line 18, strike "(fax) transmission or".

Page 3, line 4, strike "facsimile (fax)" and insert "**form of communication**".

Page 3, line 5, strike "transmission machine or other communications device".

Page 3, line 25, strike "by facsimile (fax) transmission or" and insert "**electronically or by**".

Page 4, strike line 14.

Page 4, line 15, strike "device" and insert "**form of communication**".

and when so amended that said bill do pass.

(Reference is to HB 1248 as printed January 30, 2018.)

GROOMS, Chairperson

Committee Vote: Yeas 8, Nays 0.

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