

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2514 Session of
2014

INTRODUCED BY DAVIDSON, MURT, BISHOP, THOMAS, HARKINS, KOTIK,
McNEILL, CALTAGIRONE, GROVE, McGEEHAN, COHEN, V. BROWN,
KINSEY, PASHINSKI, M. DALEY, DONATUCCI, SCHLOSSBERG, BROWNLEE
AND YOUNGBLOOD, SEPTEMBER 22, 2014

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 22, 2014

AN ACT

1 Amending the act of November 24, 2004 (P.L.1270, No.153),
2 entitled "An act providing for the Pennsylvania Amber Alert
3 System; authorizing and directing the Pennsylvania State
4 Police to establish and maintain the Pennsylvania Amber Alert
5 System; assessing costs; and providing for immunity and
6 penalties," further providing for prohibited use of Amber
7 Alerts, for use of missing endangered person advisory system,
8 for coordination with other jurisdictions and for assessment
9 of cost.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Sections 2, 2.1 and 3 of the act of November 24,
13 2004 (P.L.1270, No.153), referred to as the Pennsylvania Amber
14 Alert System Law, amended or added November 23, 2010 (P.L.1363,
15 No.126), are amended to read:

16 Section 2. Prohibited use of Amber Alerts.

17 The transmission, broadcast or other communication of a
18 public alert, other than through the Pennsylvania Amber Alert
19 System or the Missing Endangered Person Advisory System,
20 intentionally, knowingly, recklessly or negligently purporting

1 to be made by, with or through the authority of the Pennsylvania
2 Amber Alert System or the Missing Endangered Person Advisory
3 System is prohibited and shall be subject to a civil penalty of
4 not more than \$5,000.

5 Section 2.1. Use of Missing Endangered Person Advisory System.

6 (a) Activation.--The Pennsylvania Missing Endangered Person
7 Advisory System shall be operated by the Pennsylvania State
8 Police. Activation may be requested by law enforcement agencies
9 when public assistance is considered expedient to the recovery
10 of a missing individual believed to be at special risk of harm
11 or injury. The ability of law enforcement agencies to
12 independently notify or request assistance from the public shall
13 not be impaired or restricted in any way.

14 (b) Impairments.--An individual with a physical and mental
15 impairment shall qualify as an individual at special risk of
16 harm or injury. This qualification shall include, but not be
17 limited to, anyone diagnosed with a mental illness or cognitive
18 impairment as defined under 55 Pa. Code Pt. VII Ch. 5100
19 (relating to mental health procedures) and any disorder in
20 accordance with the American Psychiatric Association's
21 Diagnostic and Statistical Manual as follows:

22 § 299.00 Relating to Autistic Disorder;

23 § 299.80 Relating to Rett's Disorder;

24 § 290.xx Relating to Dementia of the Alzheimer's Type
25 (multiple forms); and

26 § 295.xx Relating to Schizophrenia (multiple forms).

27 Section 3. Coordination with other jurisdictions.

28 The Pennsylvania State Police shall coordinate with the
29 authorities of the various states and the Federal Government
30 that are responsible within their respective jurisdictions for

1 the recovery of abducted children to establish and execute the
2 procedures appropriate to the effective fulfillment of its
3 responsibilities relating to the Pennsylvania Amber Alert System
4 or the Missing Endangered Person Advisory System.

5 Section 2. Section 4 of the act is amended to read:

6 Section 4. Assessment of cost.

7 Unless the court finds that undue hardship would result, in
8 addition to any other cost imposed by law, a cost of \$25 shall
9 automatically be assessed on each person convicted, adjudicated
10 delinquent or granted accelerated rehabilitative disposition
11 (ARD) of the offenses named in this section. The cost shall be
12 forwarded to the Commonwealth and used by the Pennsylvania State
13 Police to establish and maintain the Pennsylvania Amber Alert
14 System or the Missing Endangered Person Advisory System and
15 apply to the following offenses:

16 18 Pa.C.S. § 2901 (relating to kidnapping).

17 18 Pa.C.S. § 2902 (relating to unlawful restraint).

18 18 Pa.C.S. § 2903 (relating to false imprisonment).

19 18 Pa.C.S. § 2904 (relating to interference with custody
20 of children).

21 18 Pa.C.S. § 2905 (relating to interference with custody
22 of committed persons).

23 18 Pa.C.S. § 2906 (relating to criminal coercion).

24 18 Pa.C.S. § 2907 (relating to disposition of ransom).

25 18 Pa.C.S. § 2908 (relating to missing children).

26 18 Pa.C.S. § 2909 (relating to concealment of whereabouts
27 of a child).

28 18 Pa.C.S. § 2910 (relating to luring a child into a
29 motor vehicle).

30 Section 3. This act shall take effect immediately.