

SENATE BILL 1929

By Akbari

AN ACT to amend Tennessee Code Annotated, Title 38,
Chapter 6, Part 1, relative to missing persons.

WHEREAS, the General Assembly of this State finds and declares that:

(1) According to the U.S. Department of Justice Office of Justice Programs, approximately six hundred thousand people go missing every year in the United States. Youth eighteen years of age and under account for about thirty-five percent of these reported cases;

(2) The AMBER Alert system authorizes law enforcement agencies to use digital messaging on overhead roadway signs to assist in recovery efforts for child abduction cases;

(3) The AMBER Alert system must fulfill strict criteria for the message to be broadcast. If those criteria are not met, an AMBER Alert cannot be issued, and the child is labeled as a runaway;

(4) When a missing child is listed as a runaway, the child receives no media coverage and fewer police and government resources are available for the child's recovery; and

(5) Being identified as a runaway can also be a legal loophole for law enforcement because when a child is listed as a runaway, law enforcement is allowed to delay response and investigation time. In cases where the child is mislabeled as a runaway, this delay is crucial time that could be spent locating a child in danger; and

WHEREAS, it is the intent of this General Assembly to provide law enforcement with additional tools to disseminate timely, accurate information to engage the public and the media

to more effectively assist with locating children and young women who are missing in this State;
now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 6, Part 1, is amended by adding the following as a new section:

(a) There is created a missing person alert program called the Amber+ Alert system. The purpose of the Amber+ Alert system is to provide for the rapid dissemination of information and alerts with respect to youth who are between twelve (12) and twenty-five (25) years of age and reported missing under unexplained or suspicious circumstances, reported missing and at risk of harm, or reported missing and developmentally disabled or cognitively impaired.

(b)

(1) If a person is reported missing to a law enforcement agency and the agency determines that the requirements of subsection (c) have been met, then the law enforcement agency may request the Tennessee bureau of investigation (TBI) to activate an Amber+ Alert. If the bureau concludes that the requirements of subsection (c) have been met, then the bureau may activate an Amber+ Alert within the appropriate geographical area requested by the law enforcement agency.

(2) Radio, television, cable, satellite, and social media systems are encouraged to, but are not required to, cooperate with the dissemination of information contained in an Amber+ Alert.

(3) Upon activation of an Amber+ Alert, the TBI may assist the investigating law enforcement agency by issuing a be-on-the-lookout alert, an

electronic flyer, or social media alerts, and by providing other available means of assistance.

(c) A law enforcement agency may request that an Amber+ Alert be activated if:

(1) The missing person is a youth between twelve (12) and twenty-five (25) years of age;

(2) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person; and

(3) The agency determines that an Amber+ Alert would be an effective tool in the investigation of a missing youth because:

(A) The missing person suffers from a mental or physical disability;

(B) The person is missing under circumstances that indicate any of the following:

(i) The missing person's physical safety may be endangered; or

(ii) The missing person may be subject to sex trafficking;

(C) The law enforcement agency determines that the person has gone missing under unexplained or suspicious circumstances; or

(D) The law enforcement agency believes that the person is in danger because of age, health, mental or physical disability, or environment or weather conditions; that the person is in the company of a potentially dangerous person; or that there are other factors indicating the person may be in peril.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.