

Amendment No. 331

Senate Amendment to Senate Bill No. 245

(BDR 38-710)

Proposed by: Senate Committee on Health and Human Services**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

AMI/RRY



Date: 4/19/2011

S.B. No. 245—Creates the Statewide Alert System for the Safe Return of Missing Older Persons. (BDR 38-710)



SENATE BILL NO. 245—SENATORS PARKS, MANENDO,
COPENING; AND DENIS (BY REQUEST)

MARCH 16, 2011

JOINT SPONSOR: ASSEMBLYMAN ANDERSON

Referred to Committee on Health and Human Services

SUMMARY—Creates the Statewide Alert System for the Safe Return of Missing Endangered Older Persons. (BDR 38-710)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to older persons; creating the Statewide Alert System for the Safe Return of Missing Endangered Older Persons; requiring the Department of Public Safety to administer and adopt regulations for the System; prescribing the circumstances under which a law enforcement agency may activate the System; providing immunity from civil liability for ~~for a broadcaster~~ certain persons who ~~for broadcasts~~ disseminate certain information pursuant to a notification of activation of the System; providing immunity from civil liability for certain persons who enter into agreements with the Department to establish or maintain an Internet website for the System; providing that a person who intentionally makes certain false or misleading statements to cause activation of the System is guilty of a category E felony; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 7 of this bill creates the Statewide Alert System for the Safe Return of Missing Endangered Older Persons, which is composed of a voluntary partnership among the Department of Public Safety, the Department of Transportation, state and local law enforcement agencies, media outlets and ~~broadcasters~~ other public and private organizations to assist in the search for and safe return of missing endangered older persons. ~~[The System is similar to the existing Statewide Alert System for the Safe Return of Abducted Children (commonly known as the "Amber Alert Program").]~~ **Section 7** requires the Department of Public Safety to administer the System. Section 5 of this bill defines the term "missing endangered older person" for the purposes of the System to mean a person who is 60 years of age or older whose whereabouts are unknown and: (1) who has been diagnosed with a medical or mental health condition that places the person in danger of serious physical harm or death; or (2) who is missing under suspicious or unexplained

13 circumstances that place the person in danger of serious physical harm or death. Section
 14 8 of this bill requires the Department of Public Safety to: (1) adopt regulations governing the
 15 operation of the System; (2) ~~to oversee the System;~~ (3) develop a plan for carrying out
 16 the System which sets forth the components of the System; (3) oversee the System; (4)
 17 supervise and evaluate any training associated with the System; (5) monitor, review and
 18 evaluate the activations of the System for compliance with the provisions of this bill; and (6)
 19 conduct periodic tests of the System. Section 9 of this bill prescribes the circumstances under
 20 which a law enforcement agency may activate the System. Section 10 of this bill provides
 21 immunity from civil liability for a ~~broadcaster~~ media outlet or a public or private
 22 organization that participates in the System and any person working for the media
 23 outlet or public or private organization who ~~broadcaster~~ disseminates certain information
 24 pursuant to a notification of activation of the System and for a person who enters into an
 25 agreement with the Department of Public Safety to establish or maintain a website for the
 26 System if the agreement provides that only the law enforcement agency activating the System
 27 has the authority or ability to place information on the website.

28 Existing law provides that a person who intentionally makes any false or misleading
 29 statement to cause the activation of the "Amber Alert" system is guilty of a category E felony.
 30 (NRS 207.285) Section 11 of this bill provides the same penalty for a person who
 31 intentionally makes any false or misleading statement to cause the activation of the System
 32 created by this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Chapter 427A of NRS is hereby amended by adding thereto the
 2 provisions set forth as sections 2 to 10, inclusive, of this act.

3 Sec. 2. *As used in sections 2 to 10, inclusive, of this act, unless the context*
 4 *otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of*
 5 *this act have the meanings ascribed to them in those sections.*

6 Sec. 3. ~~“Broadcaster” means a radio broadcasting station, cable operator~~
 7 ~~or other video service provider or television broadcasting station primarily~~
 8 ~~engaged in, and deriving income from, the business of facilitating speech via~~
 9 ~~over the air communications, both as to pure speech and commercial speech.~~
 10 (Deleted by amendment.)

11 Sec. 4. *“Department” means the Department of Public Safety.*

12 Sec. 4.5. *“Media outlet” means a company or other similar entity that*
 13 *transmits news, feature stories, entertainment or other information to the public*
 14 *through various distribution channels, including, without limitation, newspapers,*
 15 *magazines, radio, broadcast, cable and satellite television and electronic media.*

16 Sec. 5. ~~“Older”~~ *“Missing endangered older person” means a person who is*
 17 *60 years of age or older ~~and~~ whose whereabouts are unknown and who:*

18 *1. Has been diagnosed with a medical or mental health condition that*
 19 *places the person in danger of serious physical harm or death; or*

20 *2. Is missing under suspicious or unexplained circumstances that place the*
 21 *person in danger of serious physical harm or death.*

22 Sec. 6. *“System” means the Statewide Alert System for the Safe Return of*
 23 *Missing Endangered Older Persons created by section 7 of this act.*

24 Sec. 7. *1. There is hereby created the Statewide Alert System for the Safe*
 25 *Return of Missing Endangered Older Persons, which is composed of a voluntary*
 26 *partnership among the Department of Public Safety, the Department of*
 27 *Transportation, state law enforcement agencies, local law enforcement agencies,*
 28 *media outlets and ~~broadcasters~~ other public or private organizations to assist in*
 29 *the search for and safe return of missing endangered older persons. The*

1 Department of Public Safety shall administer the System ~~and~~ within the limits of
2 available money.

3 2. Each law enforcement agency ~~and broadcaster~~ , media outlet and
4 public or private organization that chooses to participate in the System shall
5 comply with the provisions of sections 2 to 10, inclusive, of this act and any
6 requirements prescribed by the Department for participation in the System.

7 3. Each law enforcement agency that chooses to participate in the System
8 shall:

9 (a) Adopt a written policy concerning activation of the System by the agency
10 that is consistent with the provisions of sections 2 to 10, inclusive, of this act and
11 the regulations adopted by the Department pursuant to section 8 of this act; and

12 (b) Submit a copy of the written policy to the Department.

13 Sec. 8. 1. The Department shall:

14 (a) ~~Oversee the System;~~

15 ~~(b) Set forth~~ Develop a plan for carrying out the System which includes the
16 components of the System;

17 (b) Oversee the System;

18 (c) Supervise and evaluate any training associated with the System;

19 (d) Monitor, review and evaluate the activations of the System to determine
20 whether such activations complied with the provisions of sections 2 to 10,
21 inclusive, of this act; and

22 (e) Conduct periodic tests of the System.

23 2. The Department may:

24 (a) Dedicate the System to one or more persons;

25 (b) Establish a name for the System that is in addition to the definition set
26 forth in section 6 of this act;

27 (c) Identify and apply for federal funding available to carry out the
28 provisions of sections 2 to 10, inclusive, of this act; and

29 (d) Accept gifts, grants and donations for use in carrying out the provisions
30 of sections 2 to 10, inclusive, of this act.

31 3. The Department shall, in consultation with representatives of ~~this~~
32 ~~State's Emergency Alert System,~~ the Department of Transportation, the Nevada
33 Sheriffs' and Chiefs' Association, ~~and~~ the Nevada Broadcasters Association,
34 media outlets that participate in the System and any other public or private
35 organization that participates in the System, adopt regulations to carry out the
36 provisions of sections 2 to 10, inclusive, of this act.

37 Sec. 9. 1. A law enforcement agency which has jurisdiction over the
38 investigation of a missing endangered older person may activate the System to
39 ~~broadcast an emergency bulletin~~ disseminate a notice on behalf of the missing
40 endangered older person if the law enforcement agency has:

41 (a) Confirmed that the whereabouts of the missing endangered older person
42 ~~is missing~~ are unknown;

43 (b) Confirmed either that the missing endangered older person ~~has~~ ;

44 (1) Has been diagnosed with a medical or mental health condition that
45 places the missing endangered older person in danger of serious physical harm
46 or death; or

47 (2) Is missing under suspicious or unexplained circumstances that place
48 the person in danger of serious physical harm or death; and

49 (c) Received sufficient descriptive information about the missing endangered
50 older person or other pertinent information to warrant ~~immediate broadcast~~
51 dissemination of the information.

2. Before activation of the System on behalf of ~~any~~ a missing endangered older person, the law enforcement agency shall determine whether the ~~broadcast~~ dissemination of information will encompass:

(a) A particular neighborhood, city, county, region or state; or

(b) More than one neighborhood, city, county, region or state.

3. A law enforcement agency is not required to obtain the prior consent of the Department before activating the System, but the Department may review an activation of the System after the activation is complete.

4. A law enforcement agency that activates the System shall notify the Department and all participating members of the System upon cancellation of the activation and shall report the final disposition of the search for the missing endangered older person to the Department.

Sec. 10. 1. If a ~~broadcaster~~ media outlet or any other public or private organization that participates in the System receives a notification of activation of the System by a law enforcement agency concerning a missing endangered older person and as a result of that notification ~~broadcasts~~ disseminates descriptive information concerning the missing endangered older person and other information contained in the notification to assist with the safe return of the missing endangered older person, the ~~broadcaster~~ media outlet, public or private organization and any person working for the media outlet or public or private organization is immune from civil liability for any act reasonably related to the ~~broadcast~~ dissemination of that information.

2. If a person enters into an agreement with the Department to establish or maintain an Internet website for the System and the agreement provides that only the law enforcement agency activating the System has the authority or ability to place information on the website, the person who establishes or maintains the Internet website is immune from civil liability in any action based upon the information that is placed on the Internet website by the authorized law enforcement agency.

Sec. 11. NRS 207.285 is hereby amended to read as follows:

207.285 1. A person who intentionally makes any false or misleading statement, including, without limitation, any statement that conceals facts, omits facts or contains false or misleading information concerning any material fact, to any police officer, sheriff, district attorney, deputy sheriff, deputy district attorney or member of the Department of Public Safety to cause the ~~System~~ Statewide Alert System for the Safe Return of Abducted Children created by NRS 432.340 or the Statewide Alert System for the Safe Return of Missing Endangered Older Persons created by section 7 of this act to be activated is guilty of a category E felony and shall be punished as provided in NRS 193.130.

2. The Attorney General or the district attorney of the county in which a person made a false or misleading statement may investigate and prosecute any violation of the provisions of this section.

~~[3.— As used in this section, “System” means the Statewide Alert System for the Safe Return of Abducted Children created by NRS 432.340.]~~

Sec. 12. The Department of Public Safety shall adopt the regulations required by section 8 of this act on or before December 31, 2011.

Sec. 13. This act becomes effective upon passage and approval for the purpose of adopting regulations and on January 1, 2012, for all other purposes.