

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 Older Persons. (BDR 38-710)

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

~

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 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 a broadcaster who broadcasts 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:

- 1 **Section 7** of this bill creates the Statewide Alert System for the Safe Return of
- 2 Missing Older Persons, which is composed of a voluntary partnership among the
- 3 Department of Public Safety, the Department of Transportation, state and local law
- 4 enforcement agencies and broadcasters to assist in the search for and safe return of
- 5 missing older persons. The System is similar to the existing Statewide Alert System
- 6 for the Safe Return of Abducted Children (commonly known as the "Amber Alert



* S B 2 4 5 *

Program”). **Section 7** requires the Department of Public Safety to administer the System. **Section 8** of this bill requires the Department of Public Safety to: (1) adopt regulations governing the operation of the System; (2) oversee the System; (3) set forth the components of the System; (4) supervise and evaluate any training associated with the System; (5) monitor, review and evaluate the activations of the System for compliance with the provisions of this bill; and (6) conduct periodic tests of the System. **Section 9** of this bill prescribes the circumstances under which a law enforcement agency may activate the System. **Section 10** of this bill provides immunity from civil liability for a broadcaster who broadcasts certain information pursuant to a notification of activation of the System and for a person who enters into an agreement with the Department of Public Safety to establish or maintain a website for the System if the agreement provides that only the law enforcement agency activating the System has the authority or ability to place information on the website.

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

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

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

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

Sec. 3. *“Broadcaster” means a radio broadcasting station, cable operator or other video service provider or television broadcasting station primarily engaged in, and deriving income from, the business of facilitating speech via over-the-air communications, both as to pure speech and commercial speech.*

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

Sec. 5. *“Older person” means a person who is 60 years of age or older.*

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

Sec. 7. 1. *There is hereby created the Statewide Alert System for the Safe Return of Missing Older Persons, which is composed of a voluntary partnership among the Department of Public Safety, the Department of Transportation, state law enforcement agencies, local law enforcement agencies and broadcasters to assist in the search for and safe return of missing*



1 *older persons. The Department of Public Safety shall administer*
2 *the System.*

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

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

10 (a) *Adopt a written policy concerning activation of the System*
11 *by the agency that is consistent with the provisions of sections 2 to*
12 *10, inclusive, of this act and the regulations adopted by the*
13 *Department pursuant to section 8 of this act; and*

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

15 **Sec. 8. 1. The Department shall:**

16 (a) *Oversee the System;*

17 (b) *Set forth the components of the System;*

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

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

23 (e) *Conduct periodic tests of the System.*

24 2. *The Department may:*

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

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

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

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

32 3. *The Department shall, in consultation with representatives*
33 *of this State's Emergency Alert System, the Department of*
34 *Transportation, the Nevada Sheriffs' and Chiefs' Association and*
35 *the Nevada Broadcasters Association, adopt regulations to carry*
36 *out the provisions of sections 2 to 10, inclusive, of this act.*

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

41 (a) *Confirmed that the older person is missing;*

42 (b) *Confirmed that the older person has been diagnosed with a*
43 *medical or mental health condition that places the older person in*
44 *danger of serious physical harm or death; and*



1 (c) Received sufficient descriptive information about the older
2 person or other pertinent information to warrant immediate
3 broadcast of the information.

4 2. Before activation of the System on behalf of an older
5 person, the law enforcement agency shall determine whether the
6 broadcast of information will encompass:

7 (a) A particular county, region or state; or

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

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

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

18 **Sec. 10.** 1. If a broadcaster that participates in the System
19 receives a notification of activation of the System by a law
20 enforcement agency concerning a missing older person and as a
21 result of that notification broadcasts descriptive information
22 concerning the missing older person and other information
23 contained in the notification to assist with the safe return of the
24 missing older person, the broadcaster is immune from civil
25 liability for any act reasonably related to the broadcast of that
26 information.

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

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

36 207.285 1. A person who intentionally makes any false or
37 misleading statement, including, without limitation, any statement
38 that conceals facts, omits facts or contains false or misleading
39 information concerning any material fact, to any police officer,
40 sheriff, district attorney, deputy sheriff, deputy district attorney or
41 member of the Department of Public Safety to cause the ~~{System}~~
42 **Statewide Alert System for the Safe Return of Abducted Children**
43 **created by NRS 432.340 or the Statewide Alert System for the Safe**
44 **Return of Missing Older Persons created by section 7 of this act to**



1 be activated is guilty of a category E felony and shall be punished as
2 provided in NRS 193.130.

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

7 ~~{3. As used in this section, "System" means the Statewide Alert~~
8 ~~System for the Safe Return of Abducted Children created by~~
9 ~~NRS 432.340.}~~

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

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

