

B-Engrossed House Bill 2764

Ordered by the Senate March 22
Including House Amendments dated February 13 and Senate Amendments
dated March 22

Sponsored by Representatives OWENS, HIEB, Senator SOLLMAN; Representatives BOWMAN, DIEHL, EVANS, GRAYBER, LEVY B, LEWIS, NELSON, SCHARF, Senators GOLDEN, THATCHER, WEBER (at the request of Christine Hood) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Establishes [*Endangered*] Missing **Endangered** Person Alert System. Directs Superintendent of State Police to establish task force to develop system to enable rapid and effective dissemination of information pertaining to missing persons to public to facilitate rapid location and recovery of missing person.

Sets forth criteria to be used to determine when [*endangered*] missing **endangered** person alerts may be issued and when alerts may be terminated. Establishes immunity from liability for persons, organizations or entities that are involved in dissemination of [*endangered*] missing **endangered** person alerts.

[Declares emergency, effective on passage.]

A BILL FOR AN ACT

1
2 Relating to endangered missing person alerts.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS 181A.010 to**
5 **181A.350.**

6 **SECTION 2. (1) As used in this section:**

7 (a) **“Missing endangered person alert” means an alert issued through the Missing En-**
8 **dangered Person Alert System.**

9 (b) **“Missing person” means a person whose whereabouts are unknown to a parent,**
10 **guardian, caretaker or other person who has regular contact with the missing person.**

11 (2) **There is established a statewide alert system to be known as the Missing Endangered**
12 **Person Alert System.**

13 (3) **The Missing Endangered Person Alert System shall be developed and implemented by**
14 **the Department of State Police as a program of voluntary cooperation between broadcasters,**
15 **cable systems and local and state agencies to enhance the ability of the public to assist in**
16 **locating and recovering missing and endangered persons.**

17 (4) **The Superintendent of State Police shall establish a task force to develop the Missing**
18 **Endangered Person Alert System. Members of the task force shall be appointed by the su-**
19 **perintendent. The superintendent or a designee of the superintendent shall serve as the chair**
20 **of the task force. The task force must include one representative each from:**

21 (a) **A statewide association of county sheriffs;**

22 (b) **A statewide association of municipal chiefs of police;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

- 1 (c) Police departments established by a university under ORS 352.121 or 353.125;
- 2 (d) A statewide organization of news broadcasters;
- 3 (e) A statewide organization of cable service providers;
- 4 (f) The Oregon Department of Emergency Management;
- 5 (g) The Oregon Disabilities Commission;
- 6 (h) The Department of Human Services;
- 7 (i) The Department of Transportation; and
- 8 (j) The Governor's Commission on Senior Services.

9 (5) The superintendent may satisfy the requirements of subsection (4) of this section by
10 merging the existing Amber Alert committee with the task force described in subsection (4)
11 of this section, provided the representation described in subsection (4) of this section is re-
12 flected in the merged entity. At the option of tribal governments, as defined in ORS 181A.940,
13 the task force may include a tribal government representative.

14 (6) The task force shall design and the Department of State Police shall implement the
15 Missing Endangered Person Alert System as a component of the missing children and adults
16 clearinghouse established and maintained pursuant to ORS 181A.300. The system shall pro-
17 vide for the use of the emergency notification system described in ORS 401.094, and any other
18 emergency communication network or system as the task force may recommend to ensure
19 rapid and effective dissemination of information to the public pertaining to a missing person
20 to facilitate the rapid location and recovery of the missing person.

21 (7) The Department of State Police, in consultation with the Oregon Department of
22 Emergency Management, shall implement and provide administrative oversight to the Miss-
23 ing Endangered Person Alert System, and may at any time recommend revisions to the
24 system.

25 (8)(a) A missing endangered person alert may not be issued under the same criteria as
26 are used for an alert under the state Amber Plan described in ORS 181A.315 and shall not
27 be distributed automatically statewide. A missing endangered person alert may be issued
28 outside of existing policies adopted under ORS 181A.320.

29 (b) A missing endangered person alert may be distributed based on the geographic area
30 in which the missing person was last seen or is believed to be. A missing endangered person
31 alert shall be issued with the information available to law enforcement agencies at the time
32 the alert is made, and the lack of detailed information need not preclude issuance of the
33 alert.

34 (9) For an incident to qualify for issuance of a missing endangered person alert, an indi-
35 vidual, regardless of age:

36 (a) Must be reported missing to a law enforcement agency;

37 (b) Must be entered into National Crime Information Center records by the investigating
38 agency;

39 (c) Must be, or must be believed to be, a temporary or permanent resident of Oregon or
40 a person who is on vacation and is, or is believed to be, at a location in Oregon;

41 (d) Must be at a location that cannot be determined by a person familiar with the missing
42 person; and

43 (e) Must be someone:

44 (A) Who is missing as the result of abduction by a stranger and who does not meet the
45 criteria for an alert under the state Amber Plan described in ORS 181A.315;

- 1 (B) Who is missing under unexplained, involuntary or suspicious circumstances;
- 2 (C) Whose disappearance may be the result of the commission of a crime;
- 3 (D) Whose disappearance occurred under circumstances that are inherently dangerous;
- 4 (E) Who is in need of medical attention or prescription medication;
- 5 (F) Who has previously been the victim of a threat of violence or an act of violence; or
- 6 (G) Who is incapable of returning to the missing person's residence without assistance

7 because of:

- 8 (i) An impaired mental condition, such as dementia;
- 9 (ii) An intellectual or developmental disability;
- 10 (iii) A brain injury;
- 11 (iv) Weather conditions; or
- 12 (v) Another physical or mental incapacity that requires care of the individual or man-
- 13 agement of the individual's property.

14 (10) Before requesting activation of a missing endangered person alert, a law enforce-
15 ment agency shall verify that the criteria described in subsection (9) of this section have
16 been satisfied. The law enforcement agency shall assess the appropriate boundaries for dis-
17 semination of the alert based on the nature of the endangerment and the circumstances
18 surrounding the last known location of the missing person or of a person who may have been
19 involved in events that led to the disappearance of the missing person.

20 (11) The state police shall terminate a missing endangered person alert with respect to
21 a particular incident if:

- 22 (a) The missing person is located or the incident is otherwise resolved; or
- 23 (b) The state police determine that the missing endangered person alert is no longer an
24 effective method for locating the missing person.

25 (12) A law enforcement agency shall immediately notify the law enforcement agency that
26 initiated the alert and the state police when the missing person, a vehicle associated with the
27 missing person or a person suspected of being involved in the disappearance of the missing
28 person has been located.

29 (13) There shall be no required waiting period before a law enforcement agency may ini-
30 tiate a missing endangered person alert or otherwise report on or investigate facts and cir-
31 cumstances pertaining to the missing person or the disappearance of the missing person.

32 (14) Any person, organization or entity involved in the dissemination of a missing en-
33 dangered person alert initiated under the system developed pursuant to this section may not
34 be liable for any damages arising from the dissemination.

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