A-Engrossed

House Bill 2764

Ordered by the House February 13
Including House Amendments dated February 13

Sponsored by Representatives OWENS, HIEB; Representatives BOWMAN, LEVY B, LEWIS, SCHARF, Senators GOLDEN, THATCHER, WEBER (at the request of Christine Hood) (Presession 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 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 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 person alerts.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to endangered missing person alerts; and declaring an emergency.

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

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

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

(a) “Endangered missing person alert” means an alert issued through the Endangered Missing Person Alert System.

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

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

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

(4) The Superintendent of State Police shall establish a task force to develop the Endangered Missing Person Alert System. Members of the task force shall be appointed by the superintendent. The administrator of the missing children and adults clearinghouse established pursuant to ORS 181A.300 shall serve as the chair of the task force. The task force must include one representative each from:

(a) County sheriffs;

(b) Municipal police departments;

(c) Police departments established by a university under ORS 352.121 or 353.125;

(d) State 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.

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(e) A statewide organization of news broadcasters;
(f) A statewide organization of cable service providers;
(g) The Oregon Department of Emergency Management;
(h) The Oregon Disabilities Commission;
(i) The Department of Human Services; and
(j) The Governor's Commission on Senior Services.

(5) At the option of tribal governments, as defined in ORS 181A.940, the task force may include a tribal government representative.

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

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

(8)(a) An endangered missing person alert may not be issued under the same criteria as are used for an alert under the state Amber Plan described in ORS 181A.315 and shall not be distributed automatically statewide. An endangered missing person alert may, but need not automatically be, considered an alert issued under policies adopted under ORS 181A.320.

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

(9) For an incident to qualify for issuance of an endangered missing person alert, an individual, regardless of age:

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

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

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

(d) Must be someone:

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

(B) Who is missing under unexplained, involuntary or suspicious circumstances;

(C) Whose disappearance may be the result of the commission of a crime;

(D) Whose disappearance occurred under circumstances that are inherently dangerous;

(E) Who is in need of medical attention or prescription medication;

(F) Who has previously been the victim of a threat of violence or an act of violence; or

(G) Who is incapable of returning to the missing person’s residence without assistance because of:
(i) Mental illness;
(ii) Intellectual disability;
(iii) Dementia;
(iv) Weather conditions; or
(v) Another physical or mental incapacity that requires care of the individual or management of the individual's property.

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

(11) The state police shall terminate an endangered missing person alert with respect to a particular incident if:
(a) The missing person is located or the incident is otherwise resolved; or
(b) The state police determine that the endangered missing person alert is no longer an effective method for locating the missing person.

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

(13) There shall be no required waiting period before a law enforcement agency may initiate an endangered missing person alert or otherwise report on or investigate facts and circumstances pertaining to the missing person or the disappearance of the missing person.

(14) Any person, organization or entity involved in the dissemination of an endangered missing person alert initiated under the system developed pursuant to this section may not be liable for any damages arising from the dissemination.

SECTION 3. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.