

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) (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 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

1
2 Relating to endangered missing person alerts; and declaring an emergency.

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) "Endangered missing person alert" means an alert issued through the Endangered
8 Missing 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 Endangered Missing
12 Person Alert System.

13 (3) The Endangered Missing 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 Endan-
18 gered Missing Person Alert System. Members of the task force shall be appointed by the
19 superintendent. The administrator of the missing children and adults clearinghouse estab-
20 lished pursuant to ORS 181A.300 shall serve as the chair of the task force. The task force
21 must include one representative each from:

22 (a) County sheriffs;

23 (b) Municipal police departments;

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

25 (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.

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

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

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

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

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

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

29 (9) For an incident to qualify for issuance of an endangered missing person alert, an in-
30 dividual, regardless of age:

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

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

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

36 (d) Must be someone:

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

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

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

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

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

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

44 (G) Who is incapable of returning to the missing person's residence without assistance
45 because of:

1 (i) Mental illness;

2 (ii) Intellectual disability;

3 (iii) Dementia;

4 (iv) Weather conditions; or

5 (v) Another physical or mental incapacity that requires care of the individual or man-
6 agement of the individual's property.

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

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

15 (a) The missing person is located or the incident is otherwise resolved; or

16 (b) The state police determine that the endangered missing person alert is no longer an
17 effective method for locating the missing person.

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

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

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

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

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