

IN THE SENATE

SENATE BILL NO. 1378

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO AN ENDANGERED MISSING PERSON ALERT; AMENDING CHAPTER 29, TITLE
2 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2922, IDAHO CODE, TO
3 ESTABLISH ENDANGERED MISSING PERSON ALERTS, TO DEFINE TERMS, TO PROVIDE
4 FOR AN ENDANGERED MISSING PERSON ALERT PLAN AND AN ADVISORY AND REVIEW
5 COMMITTEE, TO PROVIDE CRITERIA FOR ACTIVATION OF AN ALERT, TO PROVIDE
6 THAT A LAW ENFORCEMENT AGENCY SHALL HAVE CERTAIN DUTIES, TO PROVIDE FOR
7 TERMINATION OF AN ALERT, TO PROVIDE THAT THERE SHALL BE NO WAITING PE-
8 RIOD FOR AN ALERT, AND TO PROVIDE CIVIL IMMUNITY; AND DECLARING AN EMER-
9 GENCY AND PROVIDING AN EFFECTIVE DATE.
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11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That Chapter 29, Title 67, Idaho Code, be, and the same is
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
14 ignated as Section 67-2922, Idaho Code, and to read as follows:

15 67-2922. ENDANGERED MISSING PERSON ALERT. (1) There is hereby estab-
16 lished a statewide alert system known as the "Endangered Missing Person
17 Alert" that shall be developed and implemented by the Idaho state police
18 missing person clearinghouse. The endangered missing person alert system
19 shall be a program of voluntary cooperation between broadcasters, cable sys-
20 tems, and local and state agencies to enhance the public's ability to assist
21 in recovering missing and endangered persons.

22 (2) As used in this section:

23 (a) "Law enforcement agency" means a law enforcement agency with juris-
24 diction over the search for a suspect in a case involving an endangered
25 missing person; and

26 (b) "Missing person" means a person whose whereabouts are unknown to a
27 parent, guardian, caretaker, or others who have normal contact with the
28 person.

29 (3) An endangered missing person alert plan shall be developed by a com-
30 mittee, whose membership shall be determined by the director of the Idaho
31 state police, with members from city, county, state, and tribal law enforce-
32 ment, broadcasters, emergency management officials, and vulnerable popu-
33 lation commissions. Such plan shall provide for the use of the emergency
34 alert system, the wireless emergency alert system, and the state police no-
35 tification system. The endangered missing person alert advisory and review
36 committee shall provide administrative oversight to develop, implement, re-
37 view, and recommend revisions to the endangered missing person alert plan.

38 (4) An endangered missing person alert shall not be issued under the
39 same criteria as an Amber alert and shall not be distributed automatically
40 statewide. An endangered missing person alert may be distributed based on
41 the geographic area in which the missing person was last seen or is believed
42 to be. An endangered missing person alert shall be issued with the infor-

1 mation available to law enforcement, and lack of detailed information shall
2 not preclude the issuance of an alert. For an incident to qualify for is-
3 suance of an endangered missing person alert, an individual, regardless of
4 age:

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

6 (b) Must be, or must be believed to be, a temporary or permanent resi-
7 dent of Idaho;

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

10 (d) Must be someone:

11 (i) Who is incapable of returning to the missing individual's
12 residence without assistance by reason of:

13 1. Mental illness;

14 2. Intellectual disability;

15 3. Dementia;

16 4. Weather conditions; or

17 5. Another physical or mental incapacity that requires care
18 of the individual or management of the individual's prop-
19 erty;

20 (ii) Who is missing as the result of abduction by a stranger and
21 does not meet the criteria for an Amber alert or blue alert;

22 (iii) Who is missing under unexplained, involuntary, or suspi-
23 cious circumstances;

24 (iv) Whose disappearance may be the result of the commission of a
25 crime;

26 (v) Whose disappearance occurred under circumstances that are
27 inherently dangerous;

28 (vi) Who is in need of medical attention or prescription medica-
29 tion; or

30 (vii) Who has previously been the victim of a threat of violence or
31 an act of violence.

32 (5) Before requesting activation of an endangered missing person
33 alert, a law enforcement agency shall verify that the criteria described
34 in subsection (4) of this section has been satisfied. The law enforcement
35 agency shall assess the appropriate boundaries of the alert based on the
36 nature of the endangerment and the circumstances surrounding the last known
37 location of the missing person or suspect.

38 (6) The state police shall terminate an endangered missing person alert
39 with respect to a particular incident if:

40 (a) The missing person or suspect is located or the incident is other-
41 wise resolved. Other law enforcement agencies shall notify the law en-
42 forcement agency that initiated the alert immediately when such agency
43 locates the missing person, suspect, or vehicle; or

44 (b) The Idaho state police determines that the endangered missing per-
45 son alert is no longer an effective tool for locating the missing per-
46 son.

47 (7) There shall be no required waiting period for a law enforcement
48 agency to report or investigate an endangered missing person case.

49 (8) Any entity or individual involved in the dissemination of a endan-
50 gered missing person alert generated pursuant to the provisions of this sec-

1 tion shall not be liable for any civil damages arising from such dissemina-
2 tion.

3 SECTION 2. An emergency existing therefor, which emergency is hereby
4 declared to exist, this act shall be in full force and effect on and after
5 July 1, 2022.