

CHAPTER 64

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 02-1083

BY REPRESENTATIVE(S) Lawrence, Borodkin, Dean, Garcia, Groff, Jahn, Miller, Romanoff, Scott, Snook, Spence, Stafford, Tapia, Veiga, Weddig, White, and Williams S.;
also SENATOR(S) Gordon, Anderson, Andrews, Arnold, Cairns, Chlouber, Dyer, Entz, Evans, Hanna, Hernandez, Hillman, Isgar, Lamborn, Linkhart, May, McElhany, Musgrave, Nichol, Owen, Pascoe, Perlmutter, Phillips, Reeves, Takis, Tate, Taylor, Teck, Thiebaut, Tupa, and Windels.

AN ACT**CONCERNING THE CREATION OF THE AMBER ALERT PROGRAM.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Part 4 of article 33.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-33.5-415.7. Amber alert program. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT, IN THE CASE OF AN ABDUCTED CHILD, THE FIRST FEW HOURS ARE CRITICAL IN FINDING THE CHILD. TO AID IN THE IDENTIFICATION AND LOCATION OF ABDUCTED CHILDREN, THERE IS HEREBY CREATED THE AMBER ALERT PROGRAM, REFERRED TO IN THIS SECTION AS THE "PROGRAM", TO BE IMPLEMENTED BY THE BUREAU. THE PROGRAM SHALL BE A COORDINATED EFFORT AMONG THE BUREAU, LOCAL LAW ENFORCEMENT AGENCIES, AND THE STATE'S PUBLIC AND COMMERCIAL TELEVISION AND RADIO BROADCASTERS.

(2) FOR THE PURPOSES OF THIS SECTION, "ABDUCTED CHILD" MEANS A CHILD WHOSE WHEREABOUTS ARE UNKNOWN, WHOSE DOMICILE AT THE TIME HE OR SHE WAS REPORTED MISSING WAS COLORADO, WHOSE AGE AT THE TIME HE OR SHE WAS FIRST REPORTED MISSING WAS SEVENTEEN YEARS OF AGE OR YOUNGER, AND WHOSE DISAPPEARANCE POSES A CREDIBLE THREAT AS DETERMINED BY LOCAL LAW ENFORCEMENT TO THE SAFETY AND HEALTH OF THE CHILD.

(3) THE PROGRAM SHALL CONSIST OF THE FOLLOWING:

(a) A PROCEDURE ESTABLISHED BY RULE THAT A LOCAL LAW ENFORCEMENT

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

AGENCY MAY FOLLOW TO VERIFY A CHILD HAS BEEN ABDUCTED. ONCE THE LOCAL LAW ENFORCEMENT AGENCY VERIFIES AN ABDUCTION HAS OCCURRED, THE LOCAL LAW ENFORCEMENT AGENCY MAY NOTIFY THE BUREAU.

(b) UPON RECEIPT OF A NOTICE OF A CHILD ABDUCTION FROM A LOCAL LAW ENFORCEMENT AGENCY, THE BUREAU SHALL CONFIRM THE ACCURACY OF THE INFORMATION AND THEN ISSUE AN ALERT VIA THE STATE EMERGENCY ALERT SYSTEM.

(c) THE ALERT SHALL BE SENT TO THE FEDERAL COMMUNICATIONS COMMISSION'S DESIGNATED STATE EMERGENCY ALERT SYSTEM BROADCASTER IN COLORADO. PARTICIPATING RADIO AND TELEVISION STATIONS SHALL ISSUE THE ALERT AT DESIGNATED INTERVALS AS SPECIFIED IN RULE.

(d) THE ALERT SHALL INCLUDE ALL APPROPRIATE INFORMATION THE LOCAL LAW ENFORCEMENT AGENCY HAS THAT MAY ASSIST IN THE SAFE RECOVERY OF THE ABDUCTED CHILD AND A STATEMENT INSTRUCTING ANYONE WITH INFORMATION RELATED TO THE ABDUCTION TO CONTACT HIS OR HER LOCAL LAW ENFORCEMENT AGENCY.

(e) THE ALERT SHALL BE CANCELLED UPON BUREAU NOTIFICATION TO THE FEDERAL COMMUNICATIONS COMMISSION'S DESIGNATED STATE EMERGENCY ALERT SYSTEM BROADCASTER THAT THE CHILD HAS BEEN FOUND OR AT THE END OF THE NOTIFICATION PERIOD, WHICHEVER OCCURS FIRST. ANY LOCAL LAW ENFORCEMENT AGENCY THAT LOCATES A CHILD WHO IS THE SUBJECT OF AN ALERT SHALL NOTIFY THE BUREAU AS SOON AS POSSIBLE THAT THE CHILD HAS BEEN LOCATED.

(4) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY SHALL PROMULGATE RULES IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF THIS TITLE, FOR THE IMPLEMENTATION OF THE PROGRAM. THE RULES SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(a) PROCEDURES FOR A LOCAL LAW ENFORCEMENT AGENCY TO USE TO VERIFY WHETHER A CHILD ABDUCTION HAS OCCURRED AND THE CIRCUMSTANCES UNDER WHICH THE AGENCY SHALL REPORT THE ABDUCTION TO THE BUREAU;

(b) THE PROCESS TO BE FOLLOWED BY THE BUREAU IN CONFIRMING THE LOCAL LAW ENFORCEMENT AGENCY'S INFORMATION;

(c) THE PROCESS FOR REPORTING THE INFORMATION TO THE FEDERAL COMMUNICATIONS COMMISSION'S DESIGNATED STATE EMERGENCY ALERT SYSTEM BROADCASTER IN COLORADO; AND

(d) ANY ADDITIONAL PROCESSES CONCERNING IMPLEMENTATION OF THE AMBER ALERT PROGRAM.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 1, 2002