

LEGISLATIVE REFERENCE BUREAU

2014D10360SFL:NLH

L.R.B. Form No. 4 (Rev. 3/25/10)

No. \_\_\_\_\_

LEGISLATIVE REFERENCE BUREAU

AN ACT

Amending the act of November 24, 2004 (P.L.1270, No.153), referred to as the Pennsylvania Amber Alert System Law, further providing for prohibited use of Amber Alerts, for use of missing endangered person advisory system, for coordination with other jurisdictions and for assessment of cost.

INTRODUCED \_\_\_\_\_ 20\_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

See next page for additional co-sponsors.

<b>Referred to Committee on</b>	
Date _____	20_____
Reported _____	20_____
<b>As Committed-Amended</b>	
<b>Recommendation</b>	
_____	
By Hon. _____	

## AN ACT

1 Amending the act of November 24, 2004 (P.L.1270, No.153),  
2 entitled "An act providing for the Pennsylvania Amber Alert  
3 System; authorizing and directing the Pennsylvania State  
4 Police to establish and maintain the Pennsylvania Amber Alert  
5 System; assessing costs; and providing for immunity and  
6 penalties," further providing for prohibited use of Amber  
7 Alerts, for use of missing endangered person advisory system,  
8 for coordination with other jurisdictions and for assessment  
9 of cost.

10 The General Assembly of the Commonwealth of Pennsylvania

11 hereby enacts as follows:

12 Section 1. Sections 2, 2.1 and 3 of the act of November 24,  
13 2004 (P.L.1270, No.153), referred to as the Pennsylvania Amber  
14 Alert System Law, amended or added November 23, 2010 (P.L.1363,  
15 No.126), are amended to read:

16 Section 2. Prohibited use of Amber Alerts.

17 The transmission, broadcast or other communication of a  
18 public alert, other than through the Pennsylvania Amber Alert  
19 System or the Missing Endangered Person Advisory System,  
20 intentionally, knowingly, recklessly or negligently purporting  
21 to be made by, with or through the authority of the Pennsylvania

1 Amber Alert System or the Missing Endangered Person Advisory  
2 System is prohibited and shall be subject to a civil penalty of  
3 not more than \$5,000.

4 Section 2.1. Use of Missing Endangered Person Advisory System.

5 (a) Activation.--The Pennsylvania Missing Endangered Person  
6 Advisory System shall be operated by the Pennsylvania State  
7 Police. Activation may be requested by law enforcement agencies  
8 when public assistance is considered expedient to the recovery  
9 of a missing individual believed to be at special risk of harm  
10 or injury. The ability of law enforcement agencies to  
11 independently notify or request assistance from the public shall  
12 not be impaired or restricted in any way.

13 (b) Impairments.--An individual with a physical and mental  
14 impairment shall qualify as an individual at special risk of  
15 harm or injury. This qualification shall include, but not be  
16 limited to, anyone diagnosed with a mental illness or cognitive  
17 impairment as defined under 55 Pa. Code Pt. VII Ch. 5100  
18 (relating to mental health procedures) and any disorder in  
19 accordance with the American Psychiatric Association's  
20 Diagnostic and Statistical Manual as follows:

21 § 299.00 Relating to Autistic Disorder;

22 § 299.80 Relating to Rett's Disorder;

23 § 290.xx Relating to Dementia of the Alzheimer's Type  
24 (multiple forms); and

25 § 295.xx Relating to Schizophrenia (multiple forms).

26 Section 3. Coordination with other jurisdictions.

27 The Pennsylvania State Police shall coordinate with the  
28 authorities of the various states and the Federal Government  
29 that are responsible within their respective jurisdictions for  
30 the recovery of abducted children to establish and execute the

1 procedures appropriate to the effective fulfillment of its  
2 responsibilities relating to the Pennsylvania Amber Alert System  
3 or the Missing Endangered Person Advisory System.

4 Section 2. Section 4 of the act is amended to read:

5 Section 4. Assessment of cost.

6 Unless the court finds that undue hardship would result, in  
7 addition to any other cost imposed by law, a cost of \$25 shall  
8 automatically be assessed on each person convicted, adjudicated  
9 delinquent or granted accelerated rehabilitative disposition  
10 (ARD) of the offenses named in this section. The cost shall be  
11 forwarded to the Commonwealth and used by the Pennsylvania State  
12 Police to establish and maintain the Pennsylvania Amber Alert  
13 System or the Missing Endangered Person Advisory System and  
14 apply to the following offenses:

15 18 Pa.C.S. § 2901 (relating to kidnapping).

16 18 Pa.C.S. § 2902 (relating to unlawful restraint).

17 18 Pa.C.S. § 2903 (relating to false imprisonment).

18 18 Pa.C.S. § 2904 (relating to interference with custody  
19 of children).

20 18 Pa.C.S. § 2905 (relating to interference with custody  
21 of committed persons).

22 18 Pa.C.S. § 2906 (relating to criminal coercion).

23 18 Pa.C.S. § 2907 (relating to disposition of ransom).

24 18 Pa.C.S. § 2908 (relating to missing children).

25 18 Pa.C.S. § 2909 (relating to concealment of whereabouts  
26 of a child).

27 18 Pa.C.S. § 2910 (relating to luring a child into a  
28 motor vehicle).

29 Section 3. This act shall take effect immediately.