

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 976 Session of 2009

INTRODUCED BY O'PAKE, MUSTO, WASHINGTON, STOUT, TARTAGLIONE,
 FERLO, BOSCOLA, ALLOWAY, FONTANA, FARNESE, WARD AND STACK,
 JUNE 22, 2009

REFERRED TO LAW AND JUSTICE, JUNE 22, 2009

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 Pennsylvania Amber Alert
 7 System established, for prohibited use, for coordination with
 8 other jurisdictions and for immunity; and creating the
 9 Missing Endangered Person Advisory System.

10 The General Assembly of the Commonwealth of Pennsylvania
 11 hereby enacts as follows:

12 Section 1. Sections 1 and 2 of the act of November 24, 2004
 13 (P.L.1270, No.153), referred to as the Pennsylvania Amber Alert
 14 System Law, are amended to read:

15 Section 1. Pennsylvania Amber Alert System and Missing
 16 Endangered Person Advisory System (MEPAS)
 17 established.

18 (a) Pennsylvania Amber Alert System.--The Pennsylvania State
 19 Police shall establish and maintain the Pennsylvania Amber Alert
 20 System to assist in the recovery of abducted children through
 21 prompt notification to the general public [and], appropriate law

1 enforcement authorities and other public agencies.

2 (b) Missing Endangered Person Advisory System (MEPAS).--The
3 Pennsylvania State Police shall establish and maintain the
4 Missing Endangered Person Advisory System to assist in the
5 recovery of missing persons who are at special risk of harm or
6 injury, through prompt notification to the general public,
7 appropriate law enforcement authorities and other agencies.

8 Section 1.1. Duties of Pennsylvania State Police.

9 The Pennsylvania State Police shall establish such protocols
10 and procedures as are necessary for the effective operation of
11 this system and shall educate and inform local law enforcement
12 agencies and the public with regard to [its] the availability of
13 each system.

14 Section 2. Prohibited use of Amber Alerts.

15 The transmission, broadcast or other communication of a
16 public alert, other than through the Pennsylvania Amber Alert
17 System, intentionally, knowingly, recklessly or negligently
18 purporting to be made by, with or through the authority of the
19 Pennsylvania Amber Alert System is prohibited and shall be
20 subject to a civil penalty of not more than \$5,000.

21 Section 2. The act is amended by adding a section to read:

22 Section 2.1. Use of Missing and Endangered Person Advisory
23 System.

24 The Pennsylvania Missing Endangered Person Advisory System
25 shall be operated by the Pennsylvania State Police. Activation
26 may be requested by law enforcement agencies when public
27 assistance is considered expedient to the recovery of a missing
28 individual believed to be at special risk of harm or injury. The
29 ability of law enforcement agencies to independently notify or
30 request assistance from the public shall not be impaired or

1 restricted in any way.

2 Section 3. Sections 3 and 5 of the act are amended to read:

3 Section 3. Coordination with other jurisdictions.

4 The Pennsylvania State Police shall coordinate with the
5 authorities of the various states and the Federal Government
6 that are responsible within their respective jurisdictions for
7 the recovery of abducted children to establish and execute the
8 procedures appropriate to the effective fulfillment of its
9 responsibilities [under section 1] relating to the Pennsylvania
10 Amber Alert System.

11 Section 5. Immunity.

12 (a) Media immunity.--Owners, licensees, operators and
13 employees of any communication medium, including, but not
14 limited to, telephone, radio, television, newspaper, digital
15 communications network or global communications network, shall
16 be immune from civil liability for their good faith conduct
17 while participating in accordance with this act.

18 (b) Good Samaritan immunity.--Any person who provides,
19 obtains or attempts to provide or obtain assistance for a child
20 who is the subject of a Pennsylvania Amber Alert System notice
21 or a person who is the subject of a Missing Endangered Person
22 Advisory shall be immune from civil liability for acts or
23 omissions in providing or obtaining or attempting to provide or
24 obtain assistance except for acts or omissions intended to cause
25 harm and for which the law does not recognize justification or
26 that constitute gross negligence or willful, wanton or reckless
27 conduct.

28 Section 4. This act shall take effect in 60 days.