
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2118 Session of
2018

INTRODUCED BY BARBIN, BARRAR, SAINATO, GOODMAN, READSHAW,
JOZWIAK, RYAN, MURT, KINSEY, GILLEN, RAVENSTAHL, HAGGERTY,
DAVIS, GREINER, KAVULICH, FLYNN, BIZZARRO, RAPP, BOBACK,
DEASY, WARD, JAMES, BENNINGHOFF, D. COSTA, B. MILLER, WATSON
AND SCHWEYER, MARCH 13, 2018

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, MARCH 13, 2018

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, providing for the Pennsylvania Amber
3 Alert System, the Missing Endangered Person Advisory System
4 (MEPAS) and the Green Alert System and for duties of the
5 Pennsylvania State Police; assessing costs; providing for
6 immunity and penalties; and making a related repeal.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Title 35 of the Pennsylvania Consolidated
10 Statutes is amended by adding a chapter to read:

11 CHAPTER 55

12 RECOVERY ASSISTANCE SYSTEMS

13 FOR ABDUCTED AND MISSING PERSONS

14 Sec.

15 5501. Definitions.

16 5502. Pennsylvania Amber Alert System.

17 5503. Missing Endangered Person Advisory System (MEPAS).

18 5504. Green Alert System.

1 5505. Duties of Pennsylvania State Police.

2 5506. Prohibited use of alert systems.

3 5507. Use of Missing Endangered Person Advisory System and
4 Green Alert System.

5 5508. Coordination with other jurisdictions.

6 5509. Assessment of cost.

7 5510. Immunity.

8 § 5501. Definitions.

9 The following words and phrases when used in this chapter
10 shall have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "System." The Pennsylvania Amber Alert System, the Missing
13 Endangered Person Advisory System (MEPAS) and the Green Alert
14 System.

15 "Veteran-at-risk." A veteran, as defined in 51 Pa.C.S. §
16 7202 (relating to definitions), who is known to have a physical
17 or mental health condition that is related to the veteran's
18 service and is at special risk of harm or injury.

19 § 5502. Pennsylvania Amber Alert System.

20 The Pennsylvania State Police shall establish and maintain
21 the Pennsylvania Amber Alert System to assist in the recovery of
22 abducted children through prompt notification to the general
23 public, appropriate law enforcement authorities and other public
24 agencies.

25 § 5503. Missing Endangered Person Advisory System (MEPAS).

26 The Pennsylvania State Police shall establish and maintain
27 the Missing Endangered Person Advisory System to assist in the
28 recovery of missing persons who are at special risk of harm or
29 injury, through prompt notification to the general public,
30 appropriate law enforcement authorities and other agencies.

1 § 5504. Green Alert System.

2 The Pennsylvania State Police shall establish and maintain
3 the Green Alert System to assist in the recovery of missing
4 veterans-at-risk through prompt notification to the general
5 public, appropriate law enforcement authorities and other
6 agencies.

7 § 5505. Duties of Pennsylvania State Police.

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

13 § 5506. Prohibited use of alert systems.

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

23 § 5507. Use of Missing Endangered Person Advisory System and
24 Green Alert System.

25 The Pennsylvania Missing Endangered Person Advisory System
26 and the Green Alert System shall be operated by the Pennsylvania
27 State Police. Activation may be requested by law enforcement
28 agencies when public assistance is considered expedient to the
29 recovery of a missing individual believed to be at special risk
30 of harm or injury. The ability of law enforcement agencies to

1 independently notify or request assistance from the public shall
2 not be impaired nor restricted in any way.

3 § 5508. Coordination with other jurisdictions.

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

11 (b) Pennsylvania Missing Endangered Person Advisory System
12 and Green Alert System.--The Pennsylvania State Police shall
13 coordinate with the authorities of the various states and the
14 Federal Government that are responsible within their respective
15 jurisdictions for the recovery of missing individuals believed
16 to be at special risk of harm or injury to establish and execute
17 the procedures appropriate to the effective fulfillment of its
18 responsibilities relating to the Pennsylvania Missing Endangered
19 Person Advisory System and the Green Alert System.

20 § 5509. Assessment of cost.

21 Unless the court finds that undue hardship would result, in
22 addition to any other cost imposed by law, a cost of \$25 shall
23 automatically be assessed on each person convicted, adjudicated
24 delinquent or granted Accelerated Rehabilitative Disposition
25 (ARD) of the offenses named in this section. The cost shall be
26 forwarded to the Commonwealth and used by the Pennsylvania State
27 Police to establish and maintain the Pennsylvania Amber Alert
28 System and apply to the following offenses:

29 18 Pa.C.S. § 2901 (relating to kidnapping).

30 18 Pa.C.S. § 2902 (relating to unlawful restraint).

1 18 Pa.C.S. § 2903 (relating to false imprisonment).

2 18 Pa.C.S. § 2904 (relating to interference with custody
3 of children).

4 18 Pa.C.S. § 2905 (relating to interference with custody
5 of committed persons).

6 18 Pa.C.S. § 2906 (relating to criminal coercion).

7 18 Pa.C.S. § 2907 (relating to disposition of ransom).

8 18 Pa.C.S. § 2908 (relating to missing children).

9 18 Pa.C.S. § 2909 (relating to concealment of whereabouts
10 of a child).

11 18 Pa.C.S. § 2910 (relating to luring a child into a
12 motor vehicle or structure).

13 § 5510. Immunity.

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

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

1 Section 2. Repeals are as follows:

2 (1) The General Assembly declares that the repeal under
3 paragraph (2) is necessary to effectuate the addition of 35
4 Pa.C.S. Ch. 55.

5 (2) The act of November 24, 2004 (P.L.1270, No.153),
6 referred to as the Pennsylvania Amber Alert System Law, is
7 repealed.

8 Section 3. The addition of 35 Pa.C.S. Ch. 55 is a
9 continuation of the act of November 24, 2004 (P.L.1270, No.153),
10 referred to as the Pennsylvania Amber Alert System Law. The
11 following apply:

12 (1) Except as otherwise provided in 35 Pa.C.S. Ch. 55,
13 all activities initiated under the Pennsylvania Amber Alert
14 System Law shall continue and remain in full force and effect
15 and may be completed under 35 Pa.C.S. Ch. 55. Orders,
16 regulations, rules and decisions which were made under the
17 Pennsylvania Amber Alert System Law and which are in effect
18 on the effective date of this section shall remain in full
19 force and effect until revoked, vacated or modified under 35
20 Pa.C.S. Ch. 55. Contracts, obligations and collective
21 bargaining agreements entered into under the Pennsylvania
22 Amber Alert System Law are not affected nor impaired by the
23 repeal of the Pennsylvania Amber Alert System Law.

24 (2) Except as set forth in paragraph (3), any difference
25 in language between 35 Pa.C.S. Ch. 55 and the Pennsylvania
26 Amber Alert System Law is intended only to conform to the
27 style of the Pennsylvania Consolidated Statutes and is not
28 intended to change or affect the legislative intent, judicial
29 construction or administration and implementation of the
30 Pennsylvania Amber Alert System Law.

1 (3) Paragraph (2) does not apply to the addition of the
2 following provisions:

3 (i) 35 Pa.C.S. § 5501.

4 (ii) 35 Pa.C.S. § 5504.

5 (iii) 35 Pa.C.S. § 5506.

6 (iv) 35 Pa.C.S. § 5507.

7 (v) 35 Pa.C.S. § 5508.

8 (vi) 35 Pa.C.S. § 5510(b).

9 Section 4. This act shall take effect immediately.