

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 734 Session of
2019

INTRODUCED BY FONTANA, COSTA, FARNESE, TARTAGLIONE, HUGHES,
BLAKE, KEARNEY, YUDICHAK, K. WARD, STEFANO, BROWNE AND
BREWSTER, JUNE 10, 2019

REFERRED TO LAW AND JUSTICE, JUNE 10, 2019

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 Pennsylvania Green Alert System and for
5 duties of the Pennsylvania State Police; assessing costs;
6 providing for immunity and penalties; and making a related
7 repeal.

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

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

12 CHAPTER 56

13 RECOVERY ASSISTANCE SYSTEMS

14 FOR ABDUCTED AND MISSING PERSONS

15 Sec.

16 5601. Definitions.

17 5602. Pennsylvania Amber Alert System.

18 5603. Missing Endangered Person Advisory System (MEPAS).

19 5604. Pennsylvania Green Alert System.

20 5605. Duties of Pennsylvania State Police.

1 5606. Prohibited use of Amber Alerts and Green Alerts.

2 5607. Use of Missing Endangered Person Advisory System.

3 5608. Coordination with other jurisdictions.

4 5609. Assessment of cost.

5 5610. Immunity.

6 § 5601. Definitions.

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

10 "At-risk veteran." A veteran or active-duty member of the
11 armed forces, the National Guard or the military reserve forces
12 of the United States, who is known to have a physical or mental
13 health condition that is related to the veteran's service.

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

17 § 5602. Pennsylvania Amber Alert System.

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

23 § 5603. Missing Endangered Person Advisory System (MEPAS).

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

29 § 5604. Pennsylvania Green Alert System.

30 The Pennsylvania State Police shall establish and maintain

1 the Pennsylvania Green Alert System to assist in the recovery of
2 missing at-risk veterans through prompt notification to the
3 general public, appropriate law enforcement authorities and
4 other public agencies.

5 § 5605. Duties of Pennsylvania State Police.

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

11 § 5606. Prohibited use of Amber Alerts and Green Alerts.

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

19 § 5607. Use of Missing Endangered Person Advisory System.

20 The Pennsylvania Missing Endangered Person Advisory System
21 shall be operated by the Pennsylvania State Police. Activation
22 may be requested by law enforcement agencies when public
23 assistance is considered expedient to the recovery of a missing
24 individual believed to be at special risk of harm or injury. The
25 ability of law enforcement agencies to independently notify or
26 request assistance from the public shall not be impaired nor
27 restricted in any way.

28 § 5608. Coordination with other jurisdictions.

29 The Pennsylvania State Police shall coordinate with the
30 authorities of the various states and the Federal Government

that are responsible within their respective jurisdictions for the recovery of abducted children to establish and execute the procedures appropriate to the effective fulfillment of the Pennsylvania State Police's responsibilities relating to the Pennsylvania Amber Alert System.

§ 5609. Assessment of cost.

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

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

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

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

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

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

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

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

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

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

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

§ 5610. Immunity.

(a) Media immunity.--Owners, licensees, operators and

employees of any communication medium, including, but not limited to, telephone, radio, television, newspaper, digital communications networks or global communications networks, shall be immune from civil liability for their good faith conduct while participating in accordance with this chapter.

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

Section 2. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of 35 Pa.C.S. Ch. 56.

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

Section 3. The addition of 35 Pa.C.S. Ch. 56 is a continuation of the act of November 24, 2004 (P.L.1270, No.153), referred to as the Pennsylvania Amber Alert System Law. The following apply:

(1) Except as otherwise provided in 35 Pa.C.S. Ch. 56, all activities initiated under the Pennsylvania Amber Alert System Law shall continue and remain in full force and effect

1 and may be completed under 35 Pa.C.S. Ch. 56. Orders,
2 regulations, rules and decisions which were made under the
3 Pennsylvania Amber Alert System Law and which are in effect
4 on the effective date of this section shall remain in full
5 force and effect until revoked, vacated or modified under 35
6 Pa.C.S. Ch. 56. Contracts, obligations and collective
7 bargaining agreements entered into under the Pennsylvania
8 Amber Alert System Law are not affected nor impaired by the
9 repeal of the Pennsylvania Amber Alert System Law.

10 (2) Except as set forth in paragraph (3), any difference
11 in language between 35 Pa.C.S. Ch. 56 and the Pennsylvania
12 Amber Alert System Law is intended only to conform to the
13 style of the Pennsylvania Consolidated Statutes and is not
14 intended to change or affect the legislative intent, judicial
15 construction or administration and implementation of the
16 Pennsylvania Amber Alert System Law.

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

19 (i) 35 Pa.C.S. § 5601.

20 (ii) 35 Pa.C.S. § 5604.

21 (iii) 35 Pa.C.S. § 5606.

22 (iv) 35 Pa.C.S. § 5610(b).

23 Section 4. This act shall take effect immediately.