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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 839 Session of  
2021

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INTRODUCED BY MARKOSEK, HILL-EVANS, GALLOWAY, BURGOS, SANCHEZ,  
ROZZI, KINSEY, T. DAVIS, HOHENSTEIN, SCHWEYER, LONGIETTI,  
McNEILL, MENTZER, DeLUCA, DEASY, FREEMAN, PASHINSKI,  
PISCIOTTANO, KULIK, DELLOSO, GUENST, SAINATO, POLINCHOCK AND  
GILLEN, MARCH 9, 2021

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REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, MARCH 9, 2021

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AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, providing for the Pennsylvania Amber  
3 Alert System for Abducted and Missing Persons, the Missing  
4 Endangered Person Advisory System (MEPAS) and the Green Alert  
5 System and for duties of the Pennsylvania State Police;  
6 assessing costs; providing for immunity and penalties; and  
7 making a related 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 59

13 RECOVERY ASSISTANCE SYSTEMS

14 FOR ABDUCTED AND MISSING PERSONS

15 Sec.

16 5901. Definitions.

17 5902. Pennsylvania Amber Alert System.

18 5903. Missing Endangered Person Advisory System (MEPAS).

- 1 5904. Green Alert System.  
2 5905. Duties of Pennsylvania State Police.  
3 5906. Prohibited use of alert systems.  
4 5907. Use of Missing Endangered Person Advisory System and  
5 Green Alert System.  
6 5908. Coordination with other jurisdictions.  
7 5909. Assessment of cost.  
8 5910. Immunity.  
9 § 5901. Definitions.

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

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

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

20 § 5902. Pennsylvania Amber Alert System.

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

26 § 5903. Missing Endangered Person Advisory System (MEPAS).

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

1 appropriate law enforcement authorities and other agencies.

2 § 5904. Green Alert System.

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

8 § 5905. 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 each system and shall educate and inform local law enforcement  
12 agencies and the public with regard to the availability of each  
13 system.

14 § 5906. Prohibited use of alert systems.

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

24 § 5907. Use of Missing Endangered Person Advisory System and  
25 Green Alert System.

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

1 of harm or injury. The ability of law enforcement agencies to  
2 independently notify or request assistance from the public shall  
3 not be impaired nor restricted in any way.

4 § 5908. Coordination with other jurisdictions.

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

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

21 § 5909. Assessment of cost.

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

30 18 Pa.C.S. § 2901 (relating to kidnapping).

1 18 Pa.C.S. § 2902 (relating to unlawful restraint).

2 18 Pa.C.S. § 2903 (relating to false imprisonment).

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

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

7 18 Pa.C.S. § 2906 (relating to criminal coercion).

8 18 Pa.C.S. § 2907 (relating to disposition of ransom).

9 18 Pa.C.S. § 2908 (relating to missing children).

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

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

14 § 5910. Immunity.

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

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

1 conduct.

2 Section 2. Repeals are as follows:

3 (1) The General Assembly declares that the repeal under  
4 paragraph (2) is necessary to effectuate the addition of 35  
5 Pa.C.S. Ch. 59.

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

9 Section 3. The addition of 35 Pa.C.S. Ch. 59 is a  
10 continuation of the act of November 24, 2004 (P.L.1270, No.153),  
11 referred to as the Pennsylvania Amber Alert System Law. The  
12 following apply:

13 (1) Except as otherwise provided in 35 Pa.C.S. Ch. 59,  
14 all activities initiated under the Pennsylvania Amber Alert  
15 System Law shall continue and remain in full force and effect  
16 and may be completed under 35 Pa.C.S. Ch. 59. Orders,  
17 regulations, rules and decisions which were made under the  
18 Pennsylvania Amber Alert System Law and which are in effect  
19 on the effective date of this section shall remain in full  
20 force and effect until revoked, vacated or modified under 35  
21 Pa.C.S. Ch. 59. Contracts, obligations and collective  
22 bargaining agreements entered into under the Pennsylvania  
23 Amber Alert System Law are not affected nor impaired by the  
24 repeal of the Pennsylvania Amber Alert System Law.

25 (2) Except as set forth in paragraph (3), any difference  
26 in language between 35 Pa.C.S. Ch. 59 and the Pennsylvania  
27 Amber Alert System Law is intended only to conform to the  
28 style of the Pennsylvania Consolidated Statutes and is not  
29 intended to change or affect the legislative intent, judicial  
30 construction or administration and implementation of the

1 Pennsylvania Amber Alert System Law.

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

4 (i) 35 Pa.C.S. § 5901.

5 (ii) 35 Pa.C.S. § 5904.

6 (iii) 35 Pa.C.S. § 5906.

7 (iv) 35 Pa.C.S. § 5907.

8 (v) 35 Pa.C.S. § 5908.

9 (vi) 35 Pa.C.S. § 5910(b).

10 Section 4. This act shall take effect immediately.