

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 364 Session of
2023

INTRODUCED BY MARKOSEK, SANCHEZ, KINSEY, MADDEN, CERRATO,
DELLOSO, HILL-EVANS, HARKINS, GALLOWAY AND DEASY,
MARCH 14, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 14, 2023

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 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).

19 5904. Green Alert System.

20 5905. Duties of Pennsylvania State Police.

1 5906. Prohibited use of alert systems.

2 5907. Use of Missing Endangered Person Advisory System and
3 Green Alert System.

4 5908. Coordination with other jurisdictions.

5 5909. Assessment of cost.

6 5910. Immunity.

7 § 5901. Definitions.

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

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

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

18 § 5902. Pennsylvania Amber Alert System.

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

24 § 5903. Missing Endangered Person Advisory System (MEPAS).

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

30 § 5904. Green Alert System.

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

6 § 5905. Duties of Pennsylvania State Police.

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

12 § 5906. Prohibited use of alert systems.

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

22 § 5907. Use of Missing Endangered Person Advisory System and
23 Green Alert System.

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

1 not be impaired nor restricted in any way.

2 § 5908. Coordination with other jurisdictions.

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

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

19 § 5909. Assessment of cost.

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

28 18 Pa.C.S. § 2901 (relating to kidnapping).

29 18 Pa.C.S. § 2902 (relating to unlawful restraint).

30 18 Pa.C.S. § 2903 (relating to false imprisonment).

1 18 Pa.C.S. § 2904 (relating to interference with custody
2 of children).

3 18 Pa.C.S. § 2905 (relating to interference with custody
4 of committed persons).

5 18 Pa.C.S. § 2906 (relating to criminal coercion).

6 18 Pa.C.S. § 2907 (relating to disposition of ransom).

7 18 Pa.C.S. § 2908 (relating to missing children).

8 18 Pa.C.S. § 2909 (relating to concealment of whereabouts
9 of a child).

10 18 Pa.C.S. § 2910 (relating to luring a child into a
11 motor vehicle or structure).

12 § 5910. Immunity.

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

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

30 Section 2. Repeals are as follows:

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

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

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

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

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

30 (3) Paragraph (2) does not apply to the addition of the

1 following provisions:

2 (i) 35 Pa.C.S. § 5901.

3 (ii) 35 Pa.C.S. § 5904.

4 (iii) 35 Pa.C.S. § 5906.

5 (iv) 35 Pa.C.S. § 5907.

6 (v) 35 Pa.C.S. § 5908.

7 (vi) 35 Pa.C.S. § 5910(b).

8 Section 4. This act shall take effect immediately.