

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 67
94TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, February 22, 2007, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

0287S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 210.1012, RSMo, and to enact in lieu thereof two new sections relating to missing and endangered persons, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 210.1012, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 210.1012 and 650.025, to read as follows:

210.1012. 1. There is hereby created a statewide program called the "Amber Alert System" referred to in this section as the "system" to aid in the identification and location of **an** abducted [persons] **child**.

2. For the purposes of this section, "abducted [person] **child**" means a [person] **child** whose whereabouts are unknown and who is:

(1) **Less than eighteen years of age and** reasonably believed to be the victim of the crime of kidnapping as defined by section 565.110, RSMo, as determined by local law enforcement;

(2) **Reasonably believed to be the victim of the crime of child kidnapping as defined by section 565.115, RSMo, as determined by local law enforcement; or**

(3) **Less than eighteen years of age and at least fourteen years of age and who, if under the age of fourteen, would otherwise be reasonably believed to be a victim of child kidnapping as defined by section 565.115, RSMo, as determined by local law enforcement.**

3. The department of public safety shall develop regions to provide the system. The department of public safety shall coordinate local law enforcement

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 agencies and public commercial television and radio broadcasters to provide an
19 effective system. In the event that a local law enforcement agency opts not to set
20 up a system and an abduction occurs within the jurisdiction, it shall notify the
21 department of public safety who will notify local media in the region.

22 4. The Amber alert system shall include all state agencies capable of
23 providing urgent and timely information to the public together with broadcasters
24 and other private entities that volunteer to participate in the dissemination of
25 urgent public information. At a minimum, the Amber alert system shall include
26 the department of public safety, highway patrol, department of transportation,
27 department of health and senior services, and Missouri lottery.

28 5. The department of public safety shall have the authority to notify other
29 regions upon verification that the criteria established by the oversight committee
30 has been met.

31 6. Participation in an Amber alert system is entirely at the option of local
32 law enforcement agencies and federally licensed radio and television broadcasters.

33 7. Any person who knowingly makes a false report that triggers an alert
34 pursuant to this section is guilty of a class A misdemeanor.

**650.025. 1. There is hereby created an advisory system, referred
2 to in this section as the "system", to aid in the identification and
3 location of missing endangered persons.**

4 **2. For the purposes of this section, "missing endangered person"
5 means a person whose whereabouts are unknown and who is:**

6 **(1) Physically or mentally disabled to the degree that the person
7 is dependent upon an agency or another individual;**

8 **(2) Missing under circumstances indicating that the missing
9 person's safety may be in danger; or**

10 **(3) Missing under involuntary or unknown circumstances.**

11 **3. The department of public safety has the authority to
12 promulgate rules establishing recommended procedures for issuing
13 missing endangered person advisories. Any rule or portion of a rule,
14 as that term is defined in section 536.010, RSMo, that is created under
15 the authority delegated in this section shall become effective only if it
16 complies with and is subject to all of the provisions of chapter 536,
17 RSMo, and if applicable, section 536.028, RSMo. This section and
18 chapter 536, RSMo, are nonseverable and if any of the powers vested
19 with the general assembly pursuant to chapter 536, RSMo, to review, to**

20 delay the effective date, or to disapprove and annul a rule are
21 subsequently held unconstitutional, then the grant of rulemaking
22 authority and any rule proposed or adopted after August 28, 2007, shall
23 be invalid and void.

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Unofficial

Bill

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