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AB-1314 Emergency notification: Feather Alert: endangered indigenous people. (2021-2022)

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Assembly Bill No. 1314

CHAPTER 476

An act to add Section 8594.13 to the Government Code, relating to emergency services.

[Approved by Governor September 23, 2022. Filed with Secretary of State September 23, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1314, Ramos. Emergency notification: Feather Alert: endangered indigenous people.

Existing law, the California Emergency Services Act, authorizes use of the Emergency Alert System to inform the public of local, state, and national emergencies. Existing law requires a law enforcement agency to activate the Emergency Alert System within the appropriate area if that agency determines that a child 17 years of age or younger, or an individual with a proven mental or physical disability, has been abducted and is in imminent danger of serious bodily injury or death, and there is information available that, if disseminated to the general public, could assist in the safe recovery of that person. Existing law also authorizes the issuance and coordination of a Blue Alert following an attack upon a law enforcement officer or a Silver Alert relating to a person who is 65 years of age or older who is reported missing.

This bill would authorize a law enforcement agency to request the Department of the California Highway Patrol to activate a "Feather Alert," as defined, if specified criteria are satisfied with respect to an endangered indigenous person who has been reported missing under unexplained or suspicious circumstances. The bill would require the department, if it concurs that specified requirements are met, to activate a Feather Alert within the appropriate geographical area requested by the investigating law enforcement agency and to assist the agency by disseminating specified alert messages and signs. The bill would require the department to create and submit a report to the Governor's Office and the Legislature that includes an evaluation of the notification system established pursuant to these provisions no later than January 1, 2027. The bill would also make related legislative findings and declarations.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Indigenous people experience high rates of violence and are reported missing or are murdered at high rates. A 2016 study by the National Institute of Justice found that more than four in five American Indian and Alaska Native adults have experienced some form of violence in their lifetime.

(b) Indigenous women, girls, and people are disproportionately affected by domestic violence, human trafficking, and murder, and become missing at much higher rates than people of other racial groups.

(c) The Urban Indian Health Institute conducted various studies and found there to be over 5,700 cases of missing and murdered indigenous women, but only 116 of the women in the cases were placed on the United States Department of Justice's missing persons list. In 2020, the Sovereign Bodies Institute found that only 165 missing and murdered indigenous women, girls, and two-spirit were reported across California. The amount of cases reported makes California one of the top five states with the highest number of cases. The report was funded and coauthored by the Yurok Tribe.

(d) As California has the largest population of Native Americans out of any state in the United States, the Legislature intends to address the crisis of missing and murdered indigenous people to ensure that it is a priority at every level.

(e) In June 2019, several stakeholders requested an audit of the Lanterman-Petris-Short Act in an effort to better inform future decisionmaking in mental health treatment and care. The audit supported that the use of an alert system, such as the Amber Alert, encourages the participation between law enforcement agencies, local resources, including tribal resources, and the media to engage in a comprehensive protocol for a missing person. It also allows for an effective time-critical response to abductors who can disappear with an individual quickly.

(f) The Legislature intends to provide law enforcement with additional tools to disseminate timely, accurate information to engage the public more effectively in assisting with locating missing indigenous people and to compensate for the unique challenges that indigenous communities face in accessing media coverage and the ability to share information.

(g) The goal of the Feather Alert System is to engage with law enforcement agencies to notify the public when an indigenous person is kidnapped.

SEC. 2. Section 8594.13 is added to the Government Code, to read:

8594.13. (a) For purposes of this section, "Feather Alert" means a notification system, activated pursuant to subdivision (b), designed to issue and coordinate alerts with respect to endangered indigenous people, specifically indigenous women or indigenous people, who are reported missing under unexplained or suspicious circumstances.

(b) (1) If a person is reported missing to a law enforcement agency and that agency determines that the requirements of subdivision (c) are met, the law enforcement agency may request the Department of the California Highway Patrol to activate a Feather Alert. If the Department of the California Highway Patrol concurs that the requirements of subdivision (c) have been met, it shall activate a Feather Alert within the appropriate geographical area requested by the investigating law enforcement agency.

(2) Radio, television, cable, satellite, and social media systems are encouraged to, but not required to, cooperate with disseminating the information contained in a Feather Alert.

(3) Upon activation of a Feather Alert, the Department of the California Highway Patrol shall assist the investigating law enforcement agency by issuing a be-on-the-lookout alert, an electronic flyer, or changeable message signs in compliance with paragraph (4).

(4) Upon activation of a Feather Alert, the Department of the California Highway Patrol may use a changeable message sign if both of the following conditions are met:

(A) A law enforcement agency determines that a vehicle may be involved in the missing person incident.

(B) Specific identifying information about the vehicle is available for public dissemination.

(c) A law enforcement agency may request that a Feather Alert be activated if that agency determines that all of the following conditions are met regarding the investigation of a missing person:

(1) The missing person is an indigenous woman or an indigenous person.

(2) The investigating law enforcement agency has utilized available local and tribal resources.

(3) The law enforcement agency determines that the person has gone missing under unexplained or suspicious circumstances.

(4) The law enforcement agency believes that the person is in danger because of age, health, mental or physical disability, or environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

(5) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

(d) The Department of the California Highway Patrol shall create and submit a report to the Governor's Office and the Legislature that includes an evaluation of the Feather Alert, including the efficacy, the advantages, and the impact to other alert programs. The Department shall submit the report to the Legislature in compliance with Section 9795 no later than January 1, 2027.