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AB-946 Emergency services: endangered missing advisory. (2023-2024)

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Assembly Bill No. 946

CHAPTER 93

An act to add Section 8594.11 to the Government Code, relating to emergency services.

[Approved by Governor July 21, 2023. Filed with Secretary of State July 21, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 946, Stephanie Nguyen. Emergency services: endangered missing advisory.

Existing law requires the California Highway Patrol to activate the Emergency Alert System at the request of an authorized person at a law enforcement agency if 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 other conditions are met.

Existing law authorizes a law enforcement agency to request the Department of the California Highway Patrol to activate a Silver Alert, as defined, if the agency receives a report of a missing person who is 65 years of age or older, developmentally disabled, or cognitively impaired, and certain conditions are met, including that all local resources have been utilized and the disappearance is unexplained or suspicious. Upon concurrence by the Department of the California Highway Patrol that the conditions have been met, existing law requires the department to issue the alert, which may take the form of a be-on-the-lookout alert, an Emergency Digital Information Service message, or an electronic flyer, within the geographical area.

This bill would authorize a law enforcement agency to request the Department of the California Highway Patrol to activate an Endangered Missing Advisory, as defined, if the agency receives a report of a missing person and the agency determines that all of specified conditions are met regarding the investigation of the missing person, including, among others, that the person is developmentally disabled, cognitively impaired, has been abducted, or is unable to otherwise care for themselves, placing their physical safety at risk.

This bill would authorize the department, if it concurs that these conditions have been met, to activate an Endangered Missing Advisory within the appropriate geographical area. Upon activation of an Endangered Missing Advisory, the bill would authorize the department to assist the investigating law enforcement agency by disseminating an electronic flyer or activating changeable message signs in compliance with certain procedures.

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

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

SECTION 1. Section 8594.11 is added to the Government Code, to read:

8594.11. (a) For purposes of this section, "Endangered Missing Advisory" means a notification system, activated pursuant to subdivision (b), designed to issue and coordinate alerts with respect to a person who is at risk, developmentally disabled, or

cognitively impaired, or who has been abducted.

(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 agency may request the Department of the California Highway Patrol to activate an Endangered Missing Advisory. If the Department of the California Highway Patrol concurs that the requirements of subdivision (c) are met, the Department of the Highway California Patrol may activate an Endangered Missing Advisory within the appropriate geographical area.

(2) Radio, television, cable, satellite, and social media systems are encouraged to, but not required to, cooperate with disseminating the information contained in an Endangered Missing Advisory.

(3) Upon activation of an Endangered Missing Advisory, the Department of the California Highway Patrol may assist the investigating law enforcement agency by disseminating an electronic flyer or activating changeable message signs in compliance with paragraph (4).

(4) Upon activation of an Endangered Missing Advisory, 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 an Endangered Missing Advisory be activated if that agency determines that all of the following conditions are met regarding the investigation of the missing person:

(1) The missing person is developmentally disabled, cognitively impaired, has been abducted, or is unable to otherwise care for themselves, placing their physical safety at risk.

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

(3) The law enforcement agency determines that the person has gone missing under unexplainable 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) For purposes of this section, the following definitions apply:

(1) "Cognitively impaired" means affected by a cognitive impairment, as defined in Section 14522.4 of the Welfare and Institutions Code.

(2) "Developmentally disabled" means affected by a developmental disability, as defined in subdivision (a) of Section 4512 of the Welfare and Institutions Code.