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AB-2348 California Emergency Services Act: notification systems: Feather Alert. (2023-2024)

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Assembly Bill No. 2348

CHAPTER 661

An act to amend Section 8594.13 of the Government Code, and to amend Section 1 of Chapter 476 of the Statutes of 2022, relating to the California Emergency Services Act.

[Approved by Governor September 27, 2024. Filed with Secretary of State September 27, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2348, Ramos. California Emergency Services Act: notification systems: Feather Alert.

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 authorizes a law enforcement agency to request the Department of the California Highway Patrol to activate a "Feather Alert," as defined, if the law enforcement agency determines that specified criteria are satisfied with respect to an endangered indigenous person who has been reported missing under unexplained or suspicious circumstances. Existing law requires the department, if it concurs that those 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. Existing law requires the department to create and submit a report to the Governor's office and the Legislature that includes an evaluation of the Feather Alert, as specified.

This bill would require the department, in consultation with specified groups including tribal nations, to develop policies and procedures providing instruction specifying how a law enforcement agency and certain entities involved in emergency warnings are required to proceed after a missing person has been reported to a law enforcement agency, as defined, and prescribed conditions are met. The bill would require those policies and procedures to include, among other things, procedures for the transfer of information regarding the missing person and the circumstances surrounding the missing person's disappearance, as specified.

This bill would require the department to respond to a law enforcement agency's or tribe's request to activate a Feather Alert within 48 hours of receiving the request. The bill would require the department to take reasonable steps to confirm that a report from a missing person's family members is not an attempt to locate an indigenous person who is intentionally avoiding or evading abuse, as specified. If the department declines to activate a Feather Alert, the bill would require it to provide written notice to the requesting law enforcement agency or tribe, as specified.

This bill would revise the conditions under which a law enforcement agency or tribe may request the department to activate a Feather Alert. In this regard, the bill would authorize the agency or tribe to make that request if the law enforcement agency determines a Feather Alert would be an effective tool in the investigation of missing and murdered indigenous persons. To make that determination, the bill would require a law enforcement agency to consider prescribed factors, including, among other things, that the agency or tribe believes that the person is in danger and is missing under specified circumstances. The bill would require a law enforcement agency to make that determination within 24 hours following the initial report being made to the agency and would authorize a tribe to directly request the department to activate a Feather Alert if the law enforcement agency does not make

a determination within 24 hours. By creating a new duty for local law enforcement agencies, this bill would impose a state-mandated local program.

This bill would revise the reporting requirement described above to require the department to work with law enforcement agencies and tribal nations to create the report and to submit the report no later than January 1, 2027. The bill would require the report to include information on the efficacy and advantages of the Feather Alert, including, but not limited to, statistical data on the number of cases closed and the number of cases that remain open, and the impact of the Feather Alert on other alert programs.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Section 8594.13 of the Government Code is amended to read:

8594.13. (a) For purposes of this section, the following terms apply:

(1) "Feather Alert" means a notification system, activated pursuant to subdivision (d), designed to issue and coordinate alerts with respect to endangered indigenous people, specifically indigenous women or indigenous people, who are reported missing.

(2) "Law enforcement agency" means a state, local, or tribal law enforcement agency or police department.

(3) "Tribe" or "Tribe of California" means a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004 and Chapter 532 of the Statutes of 2014.

(b) The Department of the California Highway Patrol, in consultation with tribal nations, the Department of Justice, as well as a representative from the California State Sheriffs' Association, the California Police Chiefs Association, and the California Peace Officers' Association, shall develop policies and procedures providing instruction specifying how a law enforcement agency, a broadcaster participating in the Emergency Alert System, and any other intermediate emergency agency that may institute activation of the Feather Alert, and, where appropriate, other supplemental warning systems, shall proceed after a missing person has been reported to a law enforcement agency and the conditions described in subdivision (e) are met. Those policies and procedures shall include, but not be limited to:

(1) Procedures for the transfer of information regarding the missing person and the circumstances surrounding the missing person's disappearance from the law enforcement agency to the broadcasters.

(2) Specification of the event code or codes that should be used if the Feather Alert is activated to report a missing person.

(3) Recommended language for a Feather Alert issued pursuant to this section.

(4) Specification of information that shall be included by the reporting law enforcement agency, including which agency a person with information relating to the missing person should contact and how the person should contact the agency.

(5) Recommendations on the extent of the geographical area to which a Feather Alert issued pursuant to this section should be broadcast.

(c) (1) A law enforcement agency or Tribe of California may directly request the Department of the California Highway Patrol to activate a Feather Alert consistent with the requirements of paragraph (2).

(2) (A) If a person is reported missing to a law enforcement agency and that agency determines that the requirements of subdivision (e) are met, the law enforcement agency or Tribe of California may request the Department of the California Highway Patrol to activate a Feather Alert.

(B) (i) For purposes of this subdivision, a law enforcement agency shall make a determination that the requirements of subdivision (e) are met within 24 hours, following the initial report being made to the agency.

(ii) If the law enforcement agency does not make a determination within 24 hours as required by clause (i), then the Tribe of California may directly request the Department of the California Highway Patrol to activate a Feather Alert.

(d) If the Department of the California Highway Patrol concurs that the requirements of subdivision (e) have been met, it shall activate a Feather Alert within the appropriate geographical area requested by the investigating law enforcement agency.

(1) (A) The Department of the California Highway Patrol shall respond to a law enforcement agency's or tribe's request to activate a Feather Alert within 48 hours of receiving the request.

(B) The department shall take reasonable steps to confirm that a report from a missing person's family members is not an attempt to locate an indigenous woman or indigenous person who is intentionally avoiding or evading abuse in any of the following forms:

(i) Sexual assault.

(ii) Sexual harassment.

(iii) Domestic violence.

(iv) Intimate partner violence.

(2) If the Department of the California Highway Patrol declines to activate a Feather Alert, it shall provide written notice to the requesting law enforcement agency or tribe of the reasons for declining the request within 48 hours of issuing its decision.

(3) 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.

(4) Upon activation of a Feather Alert, the Department of the California Highway Patrol shall make all reasonable efforts to locate the missing person and to assist each investigating law enforcement agency and tribe in their efforts to locate the missing person by issuing a be-on-the-lookout alert, an electronic flyer, a social media post, or changeable message signs in compliance with paragraph (5).

(5) 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.

(e) A law enforcement agency may request that a Feather Alert be activated if that agency determines a Feather Alert would be an effective tool in the investigation of missing and murdered indigenous persons, including young women or girls. The law enforcement agency shall consider the following factors to make that determination:

(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 is missing.

(4) The law enforcement agency or tribe believes that the person is in danger and is missing under circumstances that indicate any of the following:

(A) The missing person's physical safety may be endangered.

(B) The missing person may be subject to trafficking.

(C) The missing person suffers from a mental or physical disability, or a substance use disorder.

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

(f) (1) The Department of the California Highway Patrol shall work with law enforcement agencies and tribal nations to create and submit a report to the Governor's office and the Legislature. The report shall include the following information:

(A) The efficacy and advantages of the Feather Alert, including, but not limited to, statistical data on the number of cases closed and the number of cases that remain open.

(B) The impact of the Feather Alert on other alert programs.

(2) The Department of the California Highway Patrol shall submit the report in paragraph (1) to the Legislature in compliance with Section 9795 no later than January 1, 2027.

(3) The requirement for submitting a report imposed under this subdivision is inoperative on January 1, 2031, pursuant to Section 10231.5.

SEC. 2. Section 1 of Chapter 476 of the Statutes of 2022 is amended to read:

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 individuals 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 persons to ensure that it is a priority at every level.

(e) With more than 109 federally recognized tribes, California is home to more federally recognized tribal governments than any other state in the United States.

(f) Law enforcement agencies of federally recognized tribal governments often receive more detailed and updated information because of the trust they have with the tribal communities they serve, and therefore play a critical role in recovering a missing indigenous person.

(g) 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 law enforcement agencies and 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.

(h) 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 persons and to compensate for the unique challenges that indigenous communities face in accessing media coverage and the ability to share information.

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

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.