

IN THE SENATE

SENATE BILL NO. 1004

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO THE IDAHO STATE POLICE; AMENDING CHAPTER 29, TITLE 67, IDAHO
2 CODE, BY THE ADDITION OF A NEW SECTION 67-2920, IDAHO CODE, TO ESTABLISH
3 A BLUE ALERT SYSTEM, TO DEFINE TERMS, TO PROVIDE FOR WHEN THE BLUE ALERT
4 SYSTEM MAY BE ACTIVATED, TO PROVIDE CONDITIONS FOR ACTIVATING THE BLUE
5 ALERT SYSTEM, TO PROVIDE FOR TERMINATION OF THE BLUE ALERT SYSTEM, AND
6 TO PROVIDE IMMUNITY IN CERTAIN INSTANCES; AND AMENDING SECTION 5-340,
7 IDAHO CODE, TO PROVIDE FOR THE BLUE ALERT SYSTEM.
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Chapter 29, Title 67, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 67-2920, Idaho Code, and to read as follows:

13 67-2920. BLUE ALERT SYSTEM. (1) There is hereby established a
14 statewide alert system known as "Blue Alert" that shall be developed and
15 implemented by the Idaho state police.

16 (2) As used in this section:

17 (a) "Law enforcement agency" means a law enforcement agency with juris-
18 diction over the search for a suspect in a case involving the death or
19 serious injury of a peace officer or an agency employing a peace officer
20 who is missing in the line of duty; and

21 (b) "Peace officer" means a person who is certified to exercise the pow-
22 ers of arrest.

23 (3) The blue alert system may be activated:

24 (a) When a suspect for a crime involving the death or serious injury of
25 a peace officer has not been apprehended and law enforcement personnel
26 have determined that the suspect may be a serious threat to the public;
27 or

28 (b) When a peace officer becomes missing while in the line of duty under
29 circumstances warranting concern for such peace officer's safety.

30 (4) Upon notification by a law enforcement agency that a suspect in a
31 case involving the death or serious injury of a peace officer has not been ap-
32 prehended and may be a serious threat to the public or to a peace officer or
33 that a peace officer is missing in the line of duty under circumstances war-
34 ranting concern for such peace officer's safety, the state police shall ac-
35 tivate the blue alert system and notify appropriate participants in the blue
36 alert system, as established by rule, if:

37 (a) A law enforcement agency believes that a suspect has not been appre-
38 hended;

39 (b) A law enforcement agency believes that the suspect may be a serious
40 threat to the public; and

41 (c) Sufficient information is available to disseminate to the public
42 that could assist in locating the suspect or the missing peace officer.

1 The area of the alert may be less than statewide if the division deter-
2 mines that the nature of the event makes it probable that the suspect did
3 not leave a certain geographic location.

4 (5) Before requesting activation of the blue alert system, a law en-
5 forcement agency shall verify that the criteria described in subsection (4)
6 of this section has been satisfied. The law enforcement agency shall assess
7 the appropriate boundaries of the alert based on the nature of the suspect
8 and the circumstances surrounding the crime or the last known location of the
9 missing peace officer.

10 (6) The state police shall terminate the blue alert with respect to a
11 particular incident if:

12 (a) The suspect or peace officer is located or the incident is otherwise
13 resolved; or

14 (b) The state police determine that the blue alert system is no longer
15 an effective tool for locating the suspect or the peace officer. Law en-
16 forcement agencies shall notify the division immediately when the sus-
17 spect is located and in custody or the peace officer is found.

18 (7) Any entity or individual involved in the dissemination of a blue
19 alert generated pursuant to this section shall not be liable for any civil
20 damages arising from such dissemination.

21 SECTION 2. That Section 5-340, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 5-340. IMMUNITY OF RADIO AND TELEVISION BROADCASTING ORGANIZATIONS
24 PARTICIPATING IN THE AMBER ALERT AND BLUE ALERT SYSTEMS. No cause of action
25 shall be maintained for civil damages in any court of this state against
26 any radio or television broadcast organization, or the employees, offi-
27 cers, directors, managers or agents of such radio or television broadcast
28 organization, based on the broadcast of information supplied by state law
29 enforcement officials pursuant to the voluntary broadcast notification sys-
30 tem commonly known as the:

31 (1) "Amber Alert," which is used to notify the public of missing or ab-
32 ducted children; or

33 (2) "Blue Alert," which is used to notify the public pursuant to section
34 67-2920, Idaho Code.