

Second Regular Session of the 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1248

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AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 10-13-5-4.4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 4.4. As used in this chapter, "missing endangered child" means a missing child who is believed to be incapable of returning to the missing child's residence without assistance because of:**

- (1) **mental illness;**
- (2) **intellectual disability; or**
- (3) **another physical or mental disability.**

SECTION 2. IC 10-13-5-4.6, AS ADDED BY P.L.43-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 4.6. As used in this chapter, "silver alert program" means a program under which the clearinghouse transmits information about missing endangered adults or missing endangered children to broadcasters who:**

- (1) have agreed to participate in the program; and
- (2) immediately and repeatedly broadcast the information to the general public.

SECTION 3. IC 10-13-5-8, AS AMENDED BY P.L.43-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 8. (a) The clearinghouse shall operate an Amber alert program and the silver alert program.**

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(b) Upon the establishment of an Amber alert program, and the silver alert program, the clearinghouse may enter into an agreement with one (1) or more broadcasters to operate the Amber alert program and the silver alert program under this chapter.

(c) The superintendent shall designate staff responsible for the operation of the Amber alert program and the silver alert program.

(d) The department shall adopt guidelines governing the clearinghouse's operation of the Amber alert program and the silver alert program. The department's guidelines may require that staff, upon receiving a report that a child has been abducted or an **endangered child or** endangered adult is missing, immediately send ~~by facsimile~~ **electronically or by (fax) transmission or** other means of communication a description of the abducted child or missing **endangered child or** endangered adult to one (1) or more broadcasters participating in the Amber alert program or the silver alert program. The guidelines must include criteria that the clearinghouse shall use in determining whether to issue a silver alert and the geographic area or region in which to issue the silver alert.

(e) A broadcaster participating in the Amber alert program, or the silver alert program shall immediately broadcast:

(1) a description of the abducted child, **missing endangered child,** or missing endangered adult; and

(2) other information that will assist in locating the abducted child, **missing endangered child,** or missing endangered adult; to the general public in accordance with the Amber alert plan agreement, or the silver alert plan agreement between the clearinghouse and the broadcaster.

(f) The department shall adopt guidelines governing the voluntary Amber alert program agreement, and the voluntary silver alert program agreement between the clearinghouse and a broadcaster. The voluntary agreements between the clearinghouse and the broadcaster may include the following provisions:

(1) Upon receiving a notification as part of the Amber alert program, or the silver alert program, the broadcaster shall broadcast the information contained on the notice on an intermittent basis for a period of time as provided in the agreements between the clearinghouse and the broadcaster.

(2) The broadcaster shall treat the Amber alert notification, or the silver alert notification as an emergency.

(3) The broadcaster shall ensure that the ~~facsimile (fax)~~ **form of communication transmission machine or other communications device** used to receive an Amber alert notification, or a silver alert



notification is:

- (A) generally available to receive an Amber alert notification, or a silver alert notification; and
- (B) located such that the broadcaster will immediately become aware of an incoming Amber alert notification, or silver alert notification.

SECTION 4. IC 10-13-5-8.1, AS AMENDED BY P.L.43-2009, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8.1. (a) In addition to an agreement with a broadcaster under section 8 of this chapter, the clearinghouse may enter into an agreement with one (1) or more electronic billboard operators to display Amber alerts or silver alerts under this section. An agreement under this section may include a limitation on the days and times that the electronic billboard operator is required to have staff present to receive an Amber alert or a silver alert notification.

(b) The department's guidelines adopted under section 8 of this chapter may require staff, upon receiving a report that a child has been abducted, **an endangered child is missing**, or an endangered adult is missing, to immediately send ~~by facsimile (fax) transmission or electronically or by~~ other means of communication a description of the abducted child, **missing endangered child**, or missing endangered adult to one (1) or more electronic billboard operators participating in the Amber alert program or silver alert program if the Amber alert or silver alert occurs during a period when the electronic billboard operator has agreed to have staff present to receive an Amber alert notification or a silver alert notification.

(c) An electronic billboard operator participating in the Amber alert program or silver alert program shall immediately display:

- (1) a description of the abducted child, **missing endangered child**, or missing endangered adult; and
  - (2) other information that will assist in locating the abducted child, **missing endangered child**, or missing endangered adult;
- to the general public in accordance with the Amber alert plan agreement or silver alert plan agreement between the clearinghouse and the electronic billboard operator.

(d) The department shall adopt guidelines governing the voluntary Amber alert program and the voluntary silver alert program agreements between the clearinghouse and an electronic billboard operator. The voluntary agreements between the clearinghouse and the electronic billboard operator may include the following provisions:

- (1) Upon receiving a notification as part of the Amber alert program, or the silver alert program, the electronic billboard



operator shall display the information contained in the notice on an intermittent basis for a period of time as provided in the agreements between the clearinghouse and the electronic billboard operator.

(2) The electronic billboard operator shall treat the Amber alert notification or the silver alert notification as an emergency.

(3) The electronic billboard operator shall ensure that the ~~facsimile (fax) transmission machine or other communications device form of communication~~ used to receive an Amber alert notification or a silver alert notification is:

(A) generally available to receive an Amber alert notification, or a silver alert notification; and

(B) located such that the electronic billboard operator will immediately become aware of an incoming Amber alert notification or a silver alert notification received during days and times when staff is present to receive an Amber alert notification or a silver alert notification.

SECTION 5. IC 10-13-5-8.5, AS AMENDED BY P.L.43-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8.5. (a) A broadcaster or electronic billboard operator that has agreed to participate in the Amber alert program or silver alert program and that:

(1) receives an Amber alert notification or a silver alert notification from the department; and

(2) broadcasts or displays:

(A) a description of the abducted child, **missing endangered child**, or missing endangered adult contained in the notification; and

(B) other information contained in the notification that will assist in locating the child or missing endangered adult;

is immune from civil liability based on the broadcast or display of the information received from the department.

(b) If:

(1) a person enters into an agreement with the department to establish or maintain an Amber alert web site or a silver alert web site; and

(2) the agreement provides that only the department has the ability to place information on the web site;

the person is immune from civil liability for the information placed on the web site by the department. However, this subsection does not affect the applicability of IC 34-13-3 to the department.

SECTION 6. [EFFECTIVE JULY 1, 2018] (a) **The clearinghouse**

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**and:**

**(1) broadcasters participating in an agreement under IC 10-13-5-8; or**

**(2) electronic billboard operators in an agreement under IC 10-13-5-8.1;**

**may make any changes to an agreement entered into under IC 10-13-5-8 or IC 10-13-5-8.1 that are necessary to implement the inclusion of missing endangered children in the silver alert program.**

**(b) This SECTION expires July 1, 2022.**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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