

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1790

By: Pae

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5  
6 AS INTRODUCED

7 An Act relating to public health and safety; creating  
8 the Aubrey Alert Act; defining terms; directing the  
9 Department of Public Safety to develop an Aubrey  
10 Alert system; requiring cooperation of certain  
11 entities; appointing the Commissioner of Public  
12 Safety as coordinator; requiring the promulgation of  
13 rules; requiring certain rule contents; requiring  
14 certain procedures; providing for contents of an  
15 Aubrey Alert; providing for termination of an Aubrey  
16 Alert; providing for codification; and providing an  
17 effective date.

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20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 1-1990.8 of Title 63, unless  
23 there is created a duplication in numbering, reads as follows:

24 This act shall be known and may be cited as the "Aubrey Alert  
Act".

SECTION 2. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 1-1990.9 of Title 63, unless  
there is created a duplication in numbering, reads as follows:

As used in the Aubrey Alert Act:

1        1. "Alert" or "Aubrey Alert" means the statewide Aubrey Alert  
2 for critically missing adults;

3        2. "Ashanti Alert" means the national communications network  
4 established by the Ashanti Alert Act of 2018, Sections 21901 through  
5 21907 of Title 34 of the United States Code;

6        3. "Critically missing adult" means a person who is at least  
7 eighteen (18) and no older than fifty-nine (59) years of age, whose  
8 whereabouts are unknown, and who is believed to have been abducted  
9 or taken against his or her will;

10       4. "Law enforcement agency" means any law enforcement agency of  
11 the state or any political subdivision thereof, including, but not  
12 limited to, any county sheriff's office, the police departments of  
13 tribal governments, and municipal police departments;

14       5. "Media outlet" includes, but is not limited to, radio  
15 stations, television stations, newspapers, social media, local  
16 support organizations, and other methods of communicating  
17 information to the public; and

18       6. "Not Invisible Act of 2019" means the federal law enacted by  
19 Congress for the purpose of increasing intergovernmental  
20 coordination to identify and combat violent crime within Indian  
21 lands, Sections 2801 through 2815 of Title 25 of the United States  
22 Code.

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1 SECTION 3. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-1990.10 of Title 63, unless  
3 there is created a duplication in numbering, reads as follows:

4 The Department of Public Safety shall develop and implement a  
5 statewide Aubrey Alert system to be activated on behalf of a  
6 critically missing adult. The Aubrey Alert system shall be  
7 developed in cooperation with the Department of Transportation, the  
8 Department of Human Services, the Department of Emergency  
9 Management, the Oklahoma Office of Homeland Security, tribal  
10 governments, the Oklahoma Association of Broadcasters, and any other  
11 state or local agency that the Department of Public Safety deems  
12 appropriate. The Aubrey Alert system shall be developed with any  
13 coordination, training, and assistance available from the United  
14 States Department of Justice pursuant to the Ashanti Alert Act of  
15 2018 and the Not Invisible Act of 2019.

16 SECTION 4. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1-1990.11 of Title 63, unless  
18 there is created a duplication in numbering, reads as follows:

19 A. The Commissioner of Public Safety shall be the statewide  
20 coordinator of the Aubrey Alert system and shall coordinate with  
21 media outlets for the rapid and accurate announcement of an Aubrey  
22 Alert to the public.

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1 B. The Department of Public Safety shall promulgate rules as  
2 necessary to implement this act, provided that the rules shall  
3 include the following:

4 1. The procedure to be used by law enforcement agencies to  
5 verify whether an adult who has been reported missing is believed to  
6 be at risk of abduction or being taken against their will;

7 2. The criteria for law enforcement agencies to consider in  
8 circumstances in which a missing person may not meet the definition  
9 of a critically missing adult but whose safety would be best  
10 protected by the issuance of an Aubrey Alert;

11 3. The procedure for law enforcement agencies to follow in  
12 initiating a statewide Aubrey Alert;

13 4. The method whereby information is distributed to statewide  
14 media outlets;

15 5. The procedure for the receipt and evaluation of information  
16 received from the public about a critically missing adult; and

17 6. The procedure for the termination of an Aubrey Alert.

18 SECTION 5. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 1-1990.12 of Title 63, unless  
20 there is created a duplication in numbering, reads as follows:

21 A. When a law enforcement agency receives notice of a  
22 critically missing adult, the agency shall take the following  
23 actions:

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1           1. Enter the missing individual into the National Crime  
2 Information Center (NCIC) immediately upon obtaining the necessary  
3 information for NCIC pursuant to the guidance of the Federal Bureau  
4 of Investigation (FBI);

5           2. Conduct an investigation into the disappearance of the  
6 critically missing adult to determine whether the person has likely  
7 been abducted or taken against his or her will; and

8           3. Collect identifying information and any other information  
9 about the critically missing adult that might be useful to the  
10 general public for the safe recovery of the person.

11           B. An Aubrey Alert shall be activated if a law enforcement  
12 agency receives notice of a critically missing adult, takes the  
13 actions required in subsection A of this section, and determines  
14 that there is sufficient information to issue the Aubrey Alert.

15           SECTION 6.       NEW LAW       A new section of law to be codified  
16 in the Oklahoma Statutes as Section 1-1990.13 of Title 63, unless  
17 there is created a duplication in numbering, reads as follows:

18           An Aubrey Alert shall include:

19           1. All appropriate information provided by a law enforcement  
20 agency that may lead to the safe recovery of the critically missing  
21 adult; and

22           2. A statement instructing any person with information related  
23 to a missing Native or Indigenous person to contact law enforcement  
24 or tribal authorities.

1 SECTION 7. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-1990.14 of Title 63, unless  
3 there is created a duplication in numbering, reads as follows:

4 A. Any law enforcement agency that issues an Aubrey Alert shall  
5 terminate the alert when the critically missing adult is located or  
6 the situation is otherwise resolved, or when the notification period  
7 ends, as determined by Department of Public Safety (DPS) rule,  
8 whichever is later.

9 B. Any law enforcement agency that locates a person who is the  
10 subject of an Aubrey Alert shall immediately notify DPS.

11 SECTION 8. This act shall become effective November 1, 2021.

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