

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 2847

By: Pae

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6 AS INTRODUCED

7 An Act relating to missing persons; creating the Red
8 Alert Act; defining terms; requiring the Department
9 of Public Safety to develop and implement a statewide
10 red alert system; providing for administration of the
11 system; providing duties of the Commissioner of
12 Public Safety; requiring rules and directives to
13 include certain information; providing criteria for
14 activation of red alert; providing requirements for
15 local law enforcement agencies; providing information
16 to be included in the red alert; providing for
17 termination of a red alert; requiring certain
18 notification; providing for codification; and
19 providing an effective date.

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

26 SECTION 1. NEW LAW A new section of law to be codified
27 in the Oklahoma Statutes as Section 2-1990 of Title 63, unless there
28 is created a duplication in numbering, reads as follows:

29 This act shall be known and may be cited as the "Red Alert Act".

30 SECTION 2. NEW LAW A new section of law to be codified
31 in the Oklahoma Statutes as Section 2-1990.1 of Title 63, unless
32 there is created a duplication in numbering, reads as follows:

1 As used in the Red Alert Act:

2 1. "Alert" shall mean the statewide red alert for missing
3 indigenous persons;

4 2. "Local law enforcement agency" shall mean, but not be
5 limited to, a county sheriff's office, a police department of a
6 municipality or city or the Oklahoma Highway Patrol;

7 3. "Media outlet" shall mean, but not be limited to, radio
8 stations, television stations, newspapers and local support
9 organizations; and

10 4. "Missing indigenous person" shall mean a person:

11 a. whose whereabouts are unknown,

12 b. who is identified as a Native American, American
13 Indian or indigenous person who may be at risk, and

14 c. whose disappearance poses a credible threat to the
15 safety and health of the person, as determined by a
16 local law enforcement agency.

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 2-1990.2 of Title 63, unless
19 there is created a duplication in numbering, reads as follows:

20 The Department of Public Safety shall develop and implement a
21 statewide red alert system to be activated on behalf of a missing
22 indigenous person in cooperation with the Department of
23 Transportation, the Department of Human Services, any local law
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1 enforcement agency, the Oklahoma Association of Broadcasters and any
2 other appropriate state or local agencies.

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 2-1990.3 of Title 63, unless
5 there is created a duplication in numbering, reads as follows:

6 The Commissioner of Public Safety is the statewide coordinator
7 of the red alert system and shall:

8 1. Adopt rules and issue directives as necessary to ensure
9 proper implementation of the alert. The rules and directives shall
10 include:

11 a. the procedures to be used by a local law enforcement
12 agency to verify whether an indigenous person:

13 (1) is missing,

14 (2) is believed to be at risk of abduction or foul
15 play, and

16 (3) is one whose disappearance is believed to pose a
17 credible risk to the health and safety of the
18 missing person,

19 b. the criteria for local law enforcement agencies to
20 consider circumstances in which a missing person may
21 not meet the citizenship requirements of a red alert,
22 but whose safety would best be protected by the
23 issuance of a red alert,

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- c. the procedures for local law enforcement agencies to follow in initiating a statewide red alert,
- d. the method whereby information is distributed to statewide media outlets,
- e. the procedures for the receipt and evaluation of information received from the public about the missing indigenous person, and
- f. the procedure for the termination of a red alert; and

2. Coordinate with local and statewide media outlets for the rapid and accurate announcement of a red alert to the public.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-1990.4 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. A red alert shall be activated if a local law enforcement agency:

- 1. Receives notice of a missing indigenous person;
- 2. Verifies that at the time the indigenous person is reported

missing:

- a. the person reported missing is at risk of abduction or foul play,
- b. the location of the indigenous person is unknown, or
- c. the indigenous person has special conditions that warrant additional concern;

1 3. Determines that the disappearance of the indigenous person
2 poses a credible threat to their health and safety; and

3 4. Determines that information which may assist in the safe
4 recovery of the missing indigenous person is available.

5 B. The local law enforcement agency shall:

6 1. Require the family or legal guardian of the missing
7 indigenous person to provide documentation of the conditions
8 surrounding the disappearance of the person;

9 2. Determine identifying information about the missing
10 indigenous person and any other information which might be useful to
11 the general public in the safe recovery of the missing indigenous
12 person; and

13 3. Report the individual through the national crime information
14 center immediately upon the issuance of a red alert.

15 SECTION 6. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 2-1990.5 of Title 63, unless
17 there is created a duplication in numbering, reads as follows:

18 The red alert shall include:

19 1. All appropriate information that is provided by the local
20 law enforcement agency that may lead to the safe recovery of the
21 missing indigenous person; and

22 2. A statement instructing any person with information related
23 to the missing indigenous person to contact a local law enforcement
24 agency.

1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2-1990.6 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 A. The local law enforcement agency responsible for the
5 issuance of a red alert shall terminate any red alert with respect
6 to a particular missing indigenous person not later than the earlier
7 of the date on which:

8 1. The missing indigenous person is located or the situation is
9 otherwise resolved; or

10 2. The notification period ends, as determined by Department
11 rule.

12 B. A local law enforcement agency that locates a missing
13 indigenous person who is the subject of a red alert shall
14 immediately notify the Department of Public Safety.

15 SECTION 8. This act shall become effective November 1, 2020.

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