

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 478

Short Title: Amber Alert.

(Public)

Sponsors: Representatives Rapp, Decker (Primary Sponsors); Adams, B. Allen, G. Allen, L. Allen, Allred, Barnhart, Bell, Black, Bordsen, Carney, Clary, Coates, Cole, Culpepper, Cunningham, Daughtridge, Dickson, Earle, England, Farmer-Butterfield, Fox, Frye, Gibson, Glazier, Goforth, Hackney, Haire, Hall, Harrell, Hilton, Holliman, Hunter, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Luebke, McAllister, McGee, McHenry, McLawhorn, Munford, Nesbitt, Nye, Owens, Parmon, Pate, Preston, Ross, Sauls, Saunders, Sherrill, Stam, Sutton, Tolson, Wainwright, Warner, Warren, Weiss, A. Williams, K. Williams, G. Wilson, Womble, and Wood.

Referred to: Judiciary III.

March 13, 2003

A BILL TO BE ENTITLED

1
2 AN ACT TO AMEND THE LAW REGARDING THE NORTH CAROLINA CHILD
3 ALERT NOTIFICATION (NC CAN) SYSTEM AND TO RENAME THAT
4 SYSTEM THE AMBER ALERT SYSTEM.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 143B-499.1 reads as rewritten:

7 "**§ 143B-499.1. Dissemination of missing persons data by law-enforcement**
8 **agencies.**

9 A law-enforcement agency, upon receipt of a missing person report by a parent,
10 spouse, guardian, or legal custodian, shall immediately make arrangements for the entry
11 of data about the missing person or missing child into the national missing persons file
12 in accordance with criteria set forth by the FBI/NCIC, immediately inform all of its
13 on-duty law-enforcement officers of the missing person report, initiate a statewide
14 broadcast to all appropriate law-enforcement agencies to be on the lookout for the
15 individual, and transmit a copy of the report to the Center.

16 If the report involves a missing child and the report meets the criteria established in
17 G.S. 143B-499.7(b), as soon as practicable after receipt of the report, the law
18 enforcement agency shall notify the Center and the National Center for Missing and
19 Exploited Children of the relevant data about the missing child."

20 **SECTION 2.** G.S. 143B-499.2 reads as rewritten:

1 **"§ 143B-499.2. Responsibilities of Center.**

2 The Center shall:

- 3 (1) Assist local law-enforcement agencies with entering data about
4 missing persons or missing children into the national missing persons
5 file, ensure that proper entry criteria have been met as set forth by the
6 FBI/NCIC, and confirm entry of the data about the missing persons or
7 missing children;
- 8 (2) Gather and distribute information and data on missing children and
9 missing persons;
- 10 (3) Encourage research and study of missing children and missing
11 persons, including the prevention of child abduction and the
12 prevention of the exploitation of missing children;
- 13 (4) Serve as a statewide resource center to assist local communities in
14 programs and initiatives to prevent child abduction and the
15 exploitation of missing children;
- 16 (5) Continue increasing public awareness of the reasons why children are
17 missing and vulnerability of missing children;
- 18 (6) Achieve maximum cooperation with other agencies of the State, with
19 agencies of other states and the federal government and with the
20 National Center for Missing and Exploited Children in rendering
21 assistance to missing children and missing persons and their parents,
22 guardians, spouses, or legal custodians; and cooperate with interstate
23 and federal efforts to identify deceased individuals;
- 24 (6a) ~~Develop and maintain the North Carolina Child Alert Notification~~
25 ~~System (NC CAN) AMBER Alert System as created by G.S.~~
26 143B-499.7;
- 27 (7) Forward the appropriate information to the Police Information
28 Network to assist it in maintaining and publishing a bulletin of
29 currently missing children and missing persons;
- 30 (8) Maintain a directory of existing public and private agencies, groups,
31 and individuals that provide effective assistance to families in the areas
32 of prevention of child abduction, location of missing children and
33 missing persons, and follow-up services to the child or person and
34 family, as determined by the Secretary of Crime Control and Public
35 Safety;
- 36 (9) Annually compile and publish reports on the actual number of children
37 and persons missing each year, listing the categories and causes, when
38 known, for the disappearances;
- 39 (10) Provide follow-up referrals for services to missing children or persons
40 and their families;
- 41 (11) Maintain a toll-free 1-800 telephone service that will be in service at
42 all times; and

1 (12) Perform such other activities that the Secretary of Crime Control and
2 Public Safety considers necessary to carry out the intent of its
3 mandate."

4 **SECTION 3.** G.S. 143B-499.7 reads as rewritten:

5 **"§ 143B-499.7. North Carolina Child Alert Notification System established.**

6 (a) There is established within the North Carolina Center for Missing Persons the
7 ~~North Carolina Child Alert Notification System (NC-CAN).~~ AMBER Alert System. The
8 purpose of ~~NC-CAN-AMBER Alert~~ is to provide a statewide system for the rapid
9 dissemination of information regarding abducted children.

10 (b) The ~~NC-CAN-AMBER Alert~~ System shall make every effort to disseminate
11 information on missing children as quickly as possible when the following criteria are
12 met:

13 (1) The child is ~~12~~15 years of age or younger;

14 ~~(2) The child is believed to have been abducted;~~

15 ~~(3) The child is believed to be in danger of injury or death;~~

16 ~~(2)~~ The child is believed:

17 a. To have been abducted, or

18 b. To be in danger of injury or death;

19 ~~(4)~~(3) The abduction is not known or suspected to be by a parent of the child;

20 ~~(5)~~(4) The child is not a runaway or voluntarily missing; and

21 ~~(6)~~(5) The abduction has been reported to and investigated by a law
22 enforcement agency.

23 The ~~NC-CAN-AMBER Alert~~ System may disseminate information on missing
24 children who are ages ~~13~~16 to 17 on a case-by-case basis, if all other criteria in
25 subdivisions (2) through ~~(6)~~(5) of this subsection have been met, if the Center believes
26 the dissemination of the information to be beneficial in the possible recovery of the
27 missing child.

28 If the abduction of the child is known or suspected to be by a parent of the child, the
29 Center, in its discretion, may disseminate information through the ~~NC-CAN-AMBER~~
30 Alert System if the child is believed to be in danger of injury or death.

31 (c) The Center shall adopt guidelines and develop procedures for the statewide
32 implementation of the ~~NC-CAN-AMBER Alert~~ System and shall provide education and
33 training to encourage radio and television broadcasters to participate in the System. The
34 Center shall work with the Department of Justice in developing training material
35 regarding the ~~NC-CAN-AMBER Alert~~ System for law enforcement, broadcasters, and
36 community interest groups.

37 (d) The Center shall consult with the Department of Transportation and develop a
38 procedure for the use of overhead permanent changeable message signs to provide
39 information on the abduction of a child meeting the criteria established in subsection (b)
40 of this section, when information is available that would enable motorists to assist law
41 enforcement in the recovery of the missing child. The Center and the Department of
42 Transportation shall develop guidelines for the content, length, and frequency of any
43 message to be placed on an overhead permanent changeable message sign.

1 (e) The Center shall consult with the Division of Emergency Management, in the
2 Department of Crime Control and Public Safety, to develop a procedure for the use of
3 the Emergency Alert System to provide information on the abduction of a child meeting
4 the criteria established in subsection (b) of this section.

5 (f) The Department of Crime Control and Public Safety, on behalf of the Center,
6 may accept grants, contributions, devises, bequests, and gifts, which shall be kept in a
7 separate fund, which shall be nonreverting, and shall be used to fund the operations of
8 the Center and the ~~NC-CAN-AMBER~~ Alert System."

9 **SECTION 4.** This act is effective when it becomes law.