

Date of Hearing: April 6, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 643 (Nazarian) – As Introduced February 24, 2015

**SUBJECT:** Emergency services: Silver Alerts

**SUMMARY:** Authorizes the use of changeable messages signs to disseminate information regarding a Silver Alert.

**EXISTING LAW:**

- 1) At the federal level, establishes the Emergency Alert System (EAS), a national public warning system that requires broadcasters, cable television systems, wireless cable systems, satellite digital audio radio service providers, and direct broadcast satellite providers to provide the communications capability to the President to address the American public during a national emergency. State and local authorities may also use the system to deliver important emergency information.
- 2) Authorizes use of the EAS for "Amber Alerts," a program designed to aid in the recovery of an abducted child or an individual with a proven mental or physical disability when all of the following conditions have been met:
  - a) A law enforcement agency determines that the victim is in imminent danger of serious bodily injury or death; and
  - b) There is information available that, if disseminated to the general public, could assist in the safe recovery of the victim.
- 3) Requires the California Highway Patrol (CHP), in consultation with others, to develop policies and procedures to instruct agencies how to carry out an Amber Alert.
- 4) Authorizes use of the EAS for "Blue Alerts," a quick response system designed to issue and coordinate alerts when a law enforcement officer has been killed or is seriously injured and when all the following conditions have been met:
  - a) The suspect has fled the scene and poses an imminent threat to public safety;
  - b) A detailed description of the suspect's vehicle or license plate is available for broadcasting; and
  - c) There is information available that, if disseminated to the general public, could help avert further harm or accelerate apprehension of the suspect.
- 5) Establishes a Silver Alert notification system, designed to issue and coordinate alerts if a person that is age 65 years or older, developmentally disabled, or cognitively impaired is missing and if the following conditions have been met:

- a) A law enforcement agency has used all available local resources to locate the missing person;
  - b) The missing person is believed to be in danger because of, for example, health or weather conditions; and
  - c) It has been determined that the public dissemination of information may lead to a safe recovery of the missing person.
- 6) Directs CHP, upon activation of a Silver Alert, to issue a be-on-the-lookout alert, an Emergency Digital Information Service message, or and electronic flyer.

**FISCAL EFFECT:** Unknown

**COMMENTS:** AB 415 (Runner), Chapter 517, Statutes of 2002, created California's Amber Alert program and authorized law enforcement agencies to use the national EAS to disseminate relevant child abduction information.

Following on the success of the Amber Alert program, the Blue Alert and the Silver Alert programs were developed. The Blue Alert program, established by SB 839 (Runner), Chapter 311, Statutes of 2010, also uses the EAS to provide for public notification when a law enforcement officer has been attacked. The Silver Alert program, originally established by SB 1047 (Alquist), Chapter 651, Statutes of 2012, provides for public notification when a person who is age 65 years or older, developmentally disabled, or cognitively impaired is missing.

The Silver Alert program differs notably from the Amber Alert and Blue Alert programs. In the event a Silver Alert is issued, the CHP may use any of the following resources:

- a) Be-On-The-Lookout (BOLO): These announcements are broadcast by CHP communication centers to CHP personnel located in the affected areas. BOLOs contain suspect, victim, and vehicle information, if available.
- b) Emergency Digital Information Service: This service provides local, state, and federal law enforcement agencies with a direct computer link to media outlets and other law enforcement agencies.
- c) APBnet: This is an image-based system operated a by non-profit organization and links state, county, and local law enforcement. The system captures and immediately distributes color photographs and images to law enforcement agencies, the media, and other organizations.

Existing law does not authorize use of the EAS or changeable message signs for Silver Alerts.

California has 790 changeable message signs on state highways that are governed by both federal and California regulations. These regulations generally limit the use of changeable message signs to traffic operations, regulatory, warning and guidance information. Additionally, the signs are used for Amber Alerts and Blue Alerts.

The author has introduced this measure to improve the effectiveness of the Silver Alert program. He notes that Californians drive over 300 billion miles annually and, consequently, have frequent exposure to changeable message signs, primarily along the state's freeway corridors. In authorizing the use of these changeable message signs to disseminate information regarding Silver Alerts, the author hopes this exposure will lead to the safe return of missing persons.

*Committee concerns and suggested amendment:* In each of the two years since the Silver Alert was created, there were over 150 alert activations and about 10 recoveries because of the alert. While the author's intent to use changeable message signs to improve recovery of missing and vulnerable persons is laudable, use of changeable message signs for all Silver Alerts could lessen the effectiveness of the changeable message signs and reduce the safety benefits the signs otherwise provide.

The committee suggests that the bill be amended, consistent with requirements in the Blue Alert program, to allow the use of changeable message signs for Silver Alerts only when the law enforcement agency determines that a vehicle may be involved in the missing person incident and specific vehicle identification data is available for public dissemination.

*Double referral:* This bill will be referred to the Assembly Aging and Long Term Care Committee should it pass out of this committee.

*Related legislation:* AB 8 (Gato) authorizes CHP to assist other law enforcement agencies in investigating certain hit-and-run incidents by issuing a "Yellow Alert" via a local digital sign. AB 8 passed out of Assembly Transportation unanimously and was referred to the Assembly Public Safety Committee.

AB 400 (Alejo) authorizes the use of changeable message signs for voter registration and Election Day reminders. The bill passed out of the Assembly Transportation Committee 13-2 and is currently in the Assembly Appropriations Committee.

*Previous legislation:* AB 47 (Gatto) of 2014 was identical to this session's AB 8. It was vetoed by Governor Brown on the grounds that similar legislation adding developmentally disabled persons to the alert system had just been signed. The Governor pointed out in his veto message that expansion of the system should be tested before other categories of individuals are added.

SB 1127 (Torres) Chapter 440, Statutes of 2014, included a missing person who is developmentally disabled or cognitively impaired among persons who may be the subject of a "Silver Alert."

SB 1047 (Alquist), Chapter 651, Statutes of 2012, created the "Silver Alert" notification system designed to issue and coordinate alerts to inform the public when a person who is age 65 years or older is missing.

SB 839 (Runner) Chapter 311, Statutes of 2010, created the "Blue Alert" notification system to notify the public when a law enforcement office has been attacked.

AB 415 (Runner) Chapter 517, Statutes of 2002, established "Amber Alert" system which authorized law enforcement agencies to use the emergency alert system to assist recovery efforts in child abduction cases.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Senior Legislature (Sponsor)  
Association of Regional Center Agencies  
California Assisted Living Association  
California College and University Police Chiefs  
California Long-Term Care Ombudsman Association  
Center for Autism & Related Disorders

**Opposition**

None on file

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