

ASSEMBLY BILL NO. 4—ASSEMBLYWOMAN MCCLAIN

PREFILED NOVEMBER 20, 2008

Referred to Committee on Health and Human Services

SUMMARY—Creates the Statewide Alert System for the Safe Return of Missing Older Persons. (BDR 38-148)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to older persons; creating the Statewide Alert System for the Safe Return of Missing Older Persons; creating the Committee for the Statewide Alert System for the Safe Return of Missing Older Persons; prescribing the circumstances under which a law enforcement agency may activate the System; providing for immunity from civil liability for a broadcaster who broadcasts certain information pursuant to a notification of activation of the System; providing for immunity from civil liability for certain persons who enter into agreements with the Committee to establish or maintain a website for the System; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 7** of this bill creates the Statewide Alert System for the Safe Return of
2 Missing Older Persons, which is composed of a voluntary partnership of law
3 enforcement agencies and broadcasters to assist in the search for and safe return of
4 missing older persons. The System is modeled on the Statewide Alert System for
5 the Safe Return of Abducted Children (commonly known as the “Amber Alert”)
6 created by NRS 432.340. **Section 8** of this bill creates the Committee for the
7 Statewide Alert System for the Safe Return of Missing Older Persons. **Section 7**
8 provides that the Attorney General shall administer the System, and **section 9** of
9 this bill provides that the Committee shall oversee the System, set forth the
10 components of the System, supervise and evaluate any training associated with the
11 System, monitor, review and evaluate the activations of the System to determine
12 whether such activations complied with the provisions of this bill and conduct
13 periodic tests of the System. **Section 10** of this bill prescribes the circumstances
14 under which a law enforcement agency may activate the System, and **section 11** of



15 this bill provides immunity from civil liability for a broadcaster who broadcasts
16 certain information pursuant to a notification of activation of the System. **Section**
17 **11** also provides immunity from civil liability for a person who enters into an
18 agreement with the Committee to establish or maintain a website for the System if
19 the agreement provides that only the law enforcement agency activating the System
20 has the authority or ability to place information on the website.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 427A of NRS is hereby amended by
2 adding thereto the provisions set forth as sections 2 to 11, inclusive,
3 of this act.

4 **Sec. 2.** *As used in sections 2 to 11, inclusive, of this act, the*
5 *words and terms defined in sections 3 to 6, inclusive, of this act*
6 *have the meanings ascribed to them in those sections.*

7 **Sec. 3.** *“Broadcaster” means a radio broadcasting station,*
8 *cable operator or other video service provider or television*
9 *broadcasting station primarily engaged in, and deriving income*
10 *from, the business of facilitating speech via over-the-air*
11 *communications, both as to pure speech and commercial speech.*

12 **Sec. 4.** *“Committee” means the Committee for the Statewide*
13 *Alert System for the Safe Return of Missing Older Persons created*
14 *by section 8 of this act.*

15 **Sec. 5.** *“Older person” means a person who is 60 years of*
16 *age or older.*

17 **Sec. 6.** *“System” means the Statewide Alert System for the*
18 *Safe Return of Missing Older Persons created by section 7 of this*
19 *act.*

20 **Sec. 7.** *1. There is hereby created the Statewide Alert*
21 *System for the Safe Return of Missing Older Persons, which is*
22 *composed of a voluntary partnership among state law enforcement*
23 *agencies, local law enforcement agencies and broadcasters to*
24 *assist in the search for and safe return of missing older persons.*
25 *The Attorney General shall administer the System.*

26 *2. The agencies and broadcasters that choose to participate in*
27 *the System must agree to comply with the provisions of sections 2*
28 *to 11, inclusive, of this act and any requirements prescribed by the*
29 *Committee for participation in the System.*

30 *3. Each law enforcement agency that chooses to participate*
31 *in the System shall:*

32 *(a) Adopt a written policy concerning activation of the System*
33 *by the agency consistent with the provisions of sections 2 to 11,*
34 *inclusive, of this act; and*

35 *(b) Submit a copy of the written policy to the Attorney General.*



1 **Sec. 8. 1.** *There is hereby created the Committee for the*
2 *Statewide Alert System for the Safe Return of Missing Older*
3 *Persons consisting of 15 members as follows:*

4 (a) *The Attorney General, who is an ex officio member of the*
5 *Committee;*

6 (b) *Five members appointed by the Governor who represent*
7 *local law enforcement agencies;*

8 (c) *Five members appointed by the Governor who represent*
9 *state law enforcement agencies;*

10 (d) *One representative of this State's Emergency Alert System,*
11 *appointed by the Nevada Broadcasters Association or its*
12 *successor;*

13 (e) *One representative of the Nevada Broadcasters Association*
14 *or its successor, appointed by that Association;*

15 (f) *One representative of the Department of Transportation,*
16 *appointed by the Director of the Department of Transportation;*
17 *and*

18 (g) *One representative of the public at large, appointed by the*
19 *Governor from among the names of nominees provided to him*
20 *pursuant to subsection 5.*

21 2. *The Governor shall select a Chairman and Vice Chairman*
22 *of the Committee.*

23 3. *After the initial terms, each member of the Committee*
24 *other than the Attorney General serves a term of 3 years. A*
25 *vacancy in the appointed members of the Committee must be filled*
26 *in the same manner as the original appointment.*

27 4. *Members of the Committee serve without salary or*
28 *compensation for their travel or per diem expenses.*

29 5. *The Committee shall, at least 30 days before the beginning*
30 *of the term of any member appointed pursuant to paragraph (g) of*
31 *subsection 1, or within 30 days after such a position on the*
32 *Committee becomes vacant, submit to the Governor the names of*
33 *at least three persons qualified for membership on the Committee*
34 *pursuant to paragraph (g) of subsection 1. The Governor shall*
35 *appoint a new member or fill the vacancy from the list, or request*
36 *a new list. The Governor may appoint any qualified person who is*
37 *a resident of this State to the position described in paragraph (g)*
38 *of subsection 1.*

39 **Sec. 9. 1.** *The Committee shall:*

40 (a) *Oversee the System;*

41 (b) *Set forth the components of the System;*



1 (c) Supervise and evaluate any training associated with the
2 System;

3 (d) Monitor, review and evaluate the activations of the System
4 to determine whether such activations complied with sections 2 to
5 11, inclusive, of this act; and

6 (e) Conduct periodic tests of the System.

7 2. The Committee may:

8 (a) Dedicate the System to one or more persons;

9 (b) Establish a name for the System that is in addition to the
10 definition set forth in section 6 of this act; and

11 (c) Accept gifts, grants and donations for use in carrying out
12 the provisions of sections 2 to 11, inclusive, of this act.

13 **Sec. 10.** 1. A law enforcement agency which has
14 jurisdiction over the investigation of a missing older person may
15 activate the System to broadcast an emergency bulletin on behalf
16 of the older person if:

17 (a) The law enforcement agency confirmed that the older
18 person is missing;

19 (b) The older person is in danger of serious physical harm or
20 death; and

21 (c) The law enforcement agency has sufficient descriptive
22 information about the older person or other pertinent information
23 to warrant immediate broadcast of the information.

24 2. Before activation of the System on behalf of an older
25 person, the law enforcement agency shall determine whether the
26 broadcast of information will encompass:

27 (a) A particular county, region or state; or

28 (b) More than one state.

29 3. A law enforcement agency is not required to obtain the
30 prior consent of the Committee before activating the System, but
31 the Committee may review an activation of the System after the
32 activation is complete.

33 **Sec. 11.** 1. If a broadcaster that participates in the System
34 receives a notification of activation of the System by a law
35 enforcement agency concerning a missing older person and as a
36 result of that notification broadcasts descriptive information
37 concerning the missing older person and other information
38 contained in the notification to assist with the safe return of the
39 missing older person, the broadcaster is immune from civil
40 liability based upon the broadcast of that information.

41 2. If a person enters into an agreement with the Committee to
42 establish or maintain a website for the System and the agreement
43 provides that only the law enforcement agency activating the
44 System has the authority or ability to place information on the
45 website, the person is immune from civil liability based upon



1 *the information that is placed on the website by the law*
2 *enforcement agency.*

3 **Sec. 12.** 1. Notwithstanding the provisions of section 8 of
4 this act, as soon as practicable after the effective date of this section,
5 the Attorney General shall submit to the Governor the names of at
6 least three persons qualified for membership on the Committee for
7 the Statewide Alert System for the Safe Return of Missing Older
8 Persons pursuant to paragraph (g) of subsection 1 of section 8 of this
9 act.

10 2. On or before July 1, 2009:

11 (a) The Governor shall:

12 (1) Appoint three members to the Committee for the
13 Statewide Alert System for the Safe Return of Missing Older
14 Persons pursuant to paragraph (b) of subsection 1 of section 8 of this
15 act to terms commencing on July 1, 2009, and expiring on June 30,
16 2011.

17 (2) Appoint two members to the Committee for the Statewide
18 Alert System for the Safe Return of Missing Older Persons pursuant
19 to paragraph (c) of subsection 1 of section 8 of this act to terms
20 commencing on July 1, 2009, and expiring on June 30, 2011.

21 (3) Appoint one member to the Committee for the Statewide
22 Alert System for the Safe Return of Missing Older Persons pursuant
23 to paragraph (g) of subsection 1 of section 8 of this act to a term
24 commencing on July 1, 2009, and expiring on June 30, 2011.

25 (4) Appoint two members to the Committee for the Statewide
26 Alert System for the Safe Return of Missing Older Persons pursuant
27 to paragraph (b) of subsection 1 of section 8 of this act to terms
28 commencing on July 1, 2009, and expiring on June 30, 2012.

29 (5) Appoint three members to the Committee for the
30 Statewide Alert System for the Safe Return of Missing Older
31 Persons pursuant to paragraph (c) of subsection 1 of section 8 of this
32 act to terms commencing on July 1, 2009, and expiring on June 30,
33 2012.

34 (b) The Director of the Department of Transportation shall
35 appoint one member to the Committee for the Statewide Alert
36 System for the Safe Return of Missing Older Persons pursuant to
37 paragraph (f) of subsection 1 of section 8 of this act to a term
38 commencing on July 1, 2009, and expiring on June 30, 2011.

39 (c) The Nevada Broadcasters Association shall appoint two
40 members to the Committee for the Statewide Alert System for the
41 Safe Return of Missing Older Persons pursuant to paragraphs (d)
42 and (e) of subsection 1 of section 8 of this act to terms commencing
43 on July 1, 2009, and expiring on June 30, 2012.

44 **Sec. 13.** 1. This section and sections 8 and 12 of this act
45 become effective upon passage and approval.



1 2. Sections 1 to 7, inclusive, and 9, 10 and 11 of this act
2 become effective on July 1, 2009.

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