February 1, 2013

HOUSE BILL No. 1151

DIGEST OF HB 1151 (Updated January 29, 2013 12:10 pm - DI 109)

Citations Affected: IC 10-13; IC 34-30.

Synopsis: Blue alert program. Creates the blue alert program to notify the public when a law enforcement officer is killed, seriously injured, or missing in the line of duty. Requires the Indiana state police department to operate the program.

Effective: July 1, 2013.

McNamara, Mahan, Pierce, McMillin

January 10, 2013, read first time and referred to Committee on Veterans Affairs and Public Safety.
January 31, 2013, reported — Do Pass.

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February 1, 2013

First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1151

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 10-13-8 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 8. Blue Alert Program

Sec. 1. As used in this chapter, "blue alert" means the transmission of information about a law enforcement officer who is killed, seriously injured, or missing in the line of duty under a blue alert program.

Sec. 2. As used in this chapter, "blue alert program" means a program in which the department transmits information about a law enforcement officer who is killed, seriously injured, or missing in the line of duty to broadcasters and electronic billboard operators who:

(1) have agreed to participate in the program; and

(2) immediately and repeatedly broadcast the information to the general public.

Sec. 3. As used in this chapter, "broadcaster" means the

operator of a radio or television station.

Sec. 4. As used in this chapter, "law enforcement agency" means an agency or department of the state or a political subdivision that:

(1) has jurisdiction over the search for a suspect in a case involving the death or serious injury of a law enforcement officer; or

(2) employs a law enforcement officer who is missing in the line of duty.

Sec. 5. As used in this chapter, "law enforcement officer" means any of the following:

(1) A state police officer.

(2) A county sheriff.

(3) A county police officer.

(4) A correctional officer.

(5) An excise police officer.

(6) A county police reserve officer.

(7) A city police officer.

(8) A city police reserve officer.

(9) A conservation enforcement officer.

(10) A town marshal.

(11) A deputy town marshal.

(12) A probation officer.

(13) A state educational institution police officer appointed under IC 21-39-4.

(14) A gaming agent of the Indiana gaming commission.

(15) A person employed by a political subdivision (as defined in IC 36-1-2-13) and appointed as a special deputy under IC 36-8-10-10.6.

(16) A school corporation police officer appointed under IC 20-26-16.

(17) A police officer of a public or private postsecondary educational institution whose board of trustees has established a police department under IC 21-17-5-2 or IC 21-39-4-2.

Sec. 6. The department shall operate a blue alert program.

Sec. 7. A blue alert may be issued by the department if:

(1) requested by a law enforcement agency; and

(2) the department makes the determination required under section 8 of this chapter.

Sec. 8. (a) The department may issue a blue alert only if the department determines that:

(1) a law enforcement officer:

(A) has been killed or seriously injured while in the line of

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duty and:

(i) the suspect has not been apprehended; and

(ii) the suspect poses an imminent threat to the public or other law enforcement personnel; or

(B) is missing while in the line of duty under circumstances warranting concern for the officer's safety;

(2) disseminating information to the public may assist in:

(A) identifying and apprehending the suspect; or

(B) locating the missing law enforcement officer; and

(3) there is sufficient information for dissemination to the public regarding:

(A) the missing law enforcement officer's last known location; and

(B) the physical description of any:

(i) suspect; or

(ii) vehicle involved or the vehicle's license plate number.

(b) The department shall determine the geographic boundaries of the area in which the blue alert shall be issued.

(c) Before a blue alert may be issued, the law enforcement agency requesting the alert shall provide information to the department that is required by the guidelines adopted by the department under section 10 of this chapter.

Sec. 9. (a) The department may enter into an agreement with one (1) or more:

(1) broadcasters; or

(2) electronic billboard operators;

to issue blue alerts under a blue alert program established under this chapter.

(b) The superintendent shall designate staff responsible for the operation of the blue alert program.

Sec. 10. The department shall adopt guidelines for the operation and administration of the blue alert program, including the following:

(1) Procedures for a law enforcement agency to notify the department of the circumstances described in section 8(a)(1) of this chapter.

(2) The information that a law enforcement agency must provide to the department before issuing a blue alert.

(3) Procedures for the department to follow in confirming a law enforcement agency's information and reporting the information to each designated broadcaster or electronic billboard operator.

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(4) Guidelines governing the voluntary blue alert program agreement between the department and a broadcaster. The agreement may include the following provisions:

(A) Upon receiving a notification as part of the blue alert program, the broadcaster shall broadcast the information contained in the notice on an intermittent basis for a period of time as provided in the agreement between the department and the broadcaster.

(B) The broadcaster shall treat the blue alert notification as an emergency.

(C) The broadcaster shall ensure that the facsimile transmission machine or other communication device used to receive a blue alert notification is:

(i) generally available to receive a blue alert notification; and

(ii) located such that the broadcaster will immediately become aware of an incoming blue alert notification.

(5) Guidelines governing the voluntary blue alert program agreement between the department and an electronic billboard operator. The agreement may include the following provisions:

(A) Upon receiving a notification as part of the blue alert program, the electronic billboard operator shall display the information contained in the notice on an intermittent basis for a period of time as provided in the agreement between the department and the electronic billboard operator.

(B) The electronic billboard operator shall treat the blue alert notification as an emergency.

(C) The electronic billboard operator shall ensure that the facsimile transmission machine or other communication device used to receive a blue alert notification is:

(i) generally available to receive a blue alert notification; and

(ii) located such that the electronic billboard operator will immediately become aware of an incoming blue alert notification received during days and times when staff is present to receive a blue alert notification.

(D) A limitation on the days and times that the electronic billboard operator is required to have staff present to receive a blue alert notification.

(6) The guidelines may require department staff, upon a

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determination by the department to issue a blue alert, to immediately send by facsimile transmission or other means of communication the information that the department considers necessary to one (1) or more electronic billboard operators participating in the blue alert program if the blue alert occurs during a period when the electronic billboard operator has agreed to have staff present to receive a blue alert notification.

(7) Guidelines to ensure that releasing victim information is proper, as to avoid improper next of kin notification.

(8) Guidelines to ensure that release of the information will not compromise the investigation.

Sec. 11. A broadcaster or an electronic billboard operator participating in the blue alert program shall immediately display the information that the department considers necessary to the general public in accordance with the blue alert plan agreement between the department and the broadcaster or operator.

Sec. 12. (a) A broadcaster or electronic billboard operator that has agreed to participate in the blue alert program and that:

(1) receives a blue alert notification from the department; and

(2) broadcasts or displays information contained in the notification that the department considers necessary;

is immune from civil liability based on the broadcast or display of the information received from the department.

(b) If:

(1) a person enters into an agreement with the department to establish or maintain a blue alert web site; and

(2) the agreement provides that only the department has the ability to place information on the web site;

the person is immune from civil liability for the information placed on the web site by the department. However, this subsection does not affect the applicability of IC 34-13-3 to the department.

Sec. 13. A law enforcement agency that locates or apprehends the suspect or locates the missing officer described in section 8(a)(1) of this chapter shall notify the department as soon as practicable.

Sec. 14. The department shall terminate a blue alert if:

(1) the suspect or missing law enforcement officer is located or the incident is otherwise resolved; or

(2) the department determines that the blue alert system is no longer an effective tool for locating the suspect or the missing law enforcement officer.

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Sec. 15. When a blue alert is issued, the law enforcement agency that requests the blue alert shall report information regarding the circumstances described in section 8(a)(1) of this chapter to the National Crime Information Center (NCIC) data base.

Sec. 16. This chapter does not authorize the use of the federal emergency alert system unless otherwise authorized by federal law.

SECTION 2. IC 34-30-2-35.7, AS AMENDED BY P.L.43-2009, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 35.7. IC 10-13-5-8.5 **and IC 10-13-8-12** (Concerning a broadcaster who broadcasts or an electronic billboard operator who displays an Amber alert notification, ~~or a~~ silver alert notification, **or blue alert notification** and a person who establishes or maintains an Amber alert web site, ~~or a~~ silver alert web site, **or blue alert web site** under an agreement with the state police department).

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1151, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

FRYE R, Chair

Committee Vote: yeas 10, nays 0.

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