

SENATE BILL REPORT

SB 5453

As Passed Senate, March 8, 2005

Title: An act relating to civil immunity of radio and television broadcasting organizations participating in the Amber alert system.

Brief Description: Providing civil immunity for broadcasters participating in the Amber alert.

Sponsors: Senators Delvin, Shin, Kline and Brandland.

Brief History:

Committee Activity: Judiciary: 2/9/05, 2/16/05 [DP].

Passed Senate: 3/8/05, 46-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin, Rasmussen and Thibaudeau.

Staff: Cindy Fazio (786-7405)

Background: The AMBER Alert Plan is a voluntary partnership between law-enforcement agencies and broadcasters to activate an urgent bulletin in the most serious child-abduction cases. Broadcasters use the Emergency Alert System (EAS), formerly called the Emergency Broadcast System, to air a description of the abducted child and suspected abductor. This is the same concept used during severe weather emergencies. The goal of the AMBER Alert is to instantly galvanize the entire community to assist in the search for and safe return of the child.

Summary of Bill: There is no cause of action for civil damages against any radio, television, and cable television broadcasting company, including their employees, officers, directors, managers, and agents, based on the broadcast of information under the voluntary broadcast notification system known as the "Amber Alert." This applies to the system under any other name in this state. This immunity applies to the broadcast of the following information: name or description of an abducted child, name or description of a suspected abductor, and the circumstances of a suspected abduction supplied by law enforcement officials. This proposed bill does not limit or restrict any existing immunity or privilege held by any radio, television, or cable television broadcast company.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: It is very important that law enforcement have the cooperation of the media for this program to work. This legislation is pre-emptive; there are currently no lawsuits over the broadcast of AMBER Alert information. The AMBER Alert system information is compiled by law enforcement through their investigative process. No broadcaster does any of the investigation that leads to the information that this conveyed through the AMBER Alert system. Law enforcement provides all the information to the broadcasters; they cannot manipulate the information. Washington has not yet had problems with this program; other states have had problems with lawsuits. Ten other states have similar legislation.

Testimony Against: None.

Who Testified: PRO: Mark Allen, Washington State Association of Broadcaster; Ron Main, Washington Cable Association.