
**Public Safety & Emergency
Preparedness Committee**

HB 2774

Brief Description: Making a false or misleading material statement that results in an Amber alert.

Sponsors: Representatives Barlow, O'Brien, Warnick, Ormsby, Seaquist, Moeller, Morrell and Kelley.

Brief Summary of Bill

- Creates a crime that prohibits making a false or misleading material statement that leads to an America's Missing Broadcast Emergency Response alert.

Hearing Date: 1/30/08

Staff: Jim Morishima (786-7191).

Background:

AMBER Alerts

The America's Missing Broadcast Emergency Response (AMBER) alert system is a system in which broadcasters, cable systems, and law enforcement agencies voluntarily cooperate to assist in finding abducted children. An investigating law enforcement agency may initiate an AMBER alert if certain conditions are met; e.g., the agency must know the child is abducted, the agency must believe the child is in danger of death or serious bodily injury, there must be enough descriptive data available to believe that an AMBER alert will help recover the child, and the incident must be reported to and investigated by a law enforcement agency. A local agency that has its own AMBER alert plan may initiate an AMBER alert on its own. A local agency that does not have its own AMBER alert plan must initiate the alert through the Washington State Patrol.

Crimes Relating to False Statements to Public Servants

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A person who knowingly makes a false or misleading material statement to a public servant is guilty of a gross misdemeanor. For purposes of this crime, "material statement" means a statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

A person is guilty of False Reporting if he or she, knowing that the information is false, initiates a false report or warning of an alleged occurrence or impending occurrence of a fire, explosion, crime, catastrophe, or emergency knowing that the false report is likely to cause evacuation of a building, place of assembly, or transportation facility, or to cause public inconvenience or alarm. False Reporting is a gross misdemeanor.

Summary of Bill:

A person who knowingly makes a false or misleading material statement to a public servant that a child has been abducted and which statement causes the activation of the AMBER alert system is guilty of an unranked class C felony. For purposes of this crime, "material statement" means a statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

Appropriation: None.

Fiscal Note: Requested on January 27, 2008.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.