

SENATE BILL REPORT

HB 1537

As Reported By Senate Committee On:
Judiciary, March 30, 2007

Title: An act relating to making a false or misleading material statement that results in an Amber alert.

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

Sponsors: Representatives Lovick, Ericks, O'Brien and Strow.

Brief History: Passed House: 2/21/07, 97-0.

Committee Activity: Judiciary: 3/27/07, 3/30/07 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, Murray, Roach and Weinstein.

Staff: Dawn Noel (786-7472)

Background: 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 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 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.

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.

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.

EFFECT OF CHANGES MADE BY RECOMMENDED AMENDMENT(S) AS PASSED COMMITTEE (Judiciary): It is clarified that a person must intend to cause an "AMBER Alert" in addition to knowingly making a false or misleading material statement to a public servant that a child has been abducted and which statement causes an "AMBER Alert," to be guilty of a class C felony.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Making a false report is a serious matter. Reporting a false Amber Alert is far more serious. Amber Alerts require swift action and diversion of agency resources on a large scale. This diversion of resources affects not only local police agencies, but also law enforcement agencies throughout the state. Amber Alert hoaxes tie up 911 lines and personnel, and agencies are swamped with tips almost immediately after an Amber Alert is broadcasted. This misuse of public resources puts citizens with real emergencies at risk. Radio and TV time is wasted as well. And perhaps worst of all, these hoaxes undermine confidence in the Amber Alert system. This bill sends a message that Amber Alert hoaxes are a serious matter. The State Patrol supports the bill. We are in support of the amendment as well.

Persons Testifying: PRO: Representative Lovick, prime sponsor; Mark Allen, Washington State Association of Broadcasters.