

1 SB180
2 135590-1
3 By Senators Scofield, Sanford, Dial, Williams, Taylor, Brooks,
4 Reed, Whatley, Blackwell, Ward, Glover, Allen, Holley,
5 Brewbaker and Bussman
6 RFD: Governmental Affairs
7 First Read: 07-FEB-12

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8 SYNOPSIS: This bill would create the Blue Alert
9 system, which is a system for notifying certain
10 participants in the system when a suspect of a
11 crime involving the death or serious injury of a
12 peace officer has not been apprehended and law
13 enforcement personnel have determined that the
14 suspect may be a serious threat to the public or
15 when a peace officer becomes missing while in the
16 line of duty under circumstances warranting concern
17 for the safety of the peace officer.

18 This bill would give the Director of the
19 Department of Public Safety the authority to
20 oversee the alert system and adopt rules to
21 implement the alert system.

22 This bill would allow the Department of
23 Public Safety to recruit certain media and certain
24 entities and persons to assist in implementing this
25 act and to give the department the authority to
26 enter into agreements with participants in the

1 alert system to provide necessary support for the
2 alert system.

3 This bill would require a law enforcement
4 agency participating in the alert system to
5 cooperate with the department and assist in
6 developing and implementing the alert system, would
7 require the law enforcement agency to establish a
8 plan for providing information to its officers,
9 investigators, or employees once the alert system
10 has been activated, and would require the law
11 enforcement agency to utilize a rapid response
12 telephone system that alerts residents in a
13 targeted area.

14 This bill would limit the liability of an
15 entity or individual involved in the dissemination
16 of an alert generated through the alert system.

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18 A BILL

19 TO BE ENTITLED

20 AN ACT

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22 To create the Blue Alert system; to give the
23 Director of the Department of Public Safety the authority to
24 oversee the alert system and adopt rules to implement the
25 alert system; to give the department certain authority; to
26 require a law enforcement agency participating in the alert

1 system to meet certain conditions; and to limit the liability
2 of an entity or individual involved in the dissemination of an
3 alert generated through the alert system.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. (a) For the purposes of this section, the
6 following terms shall have the following meanings:

7 (1) ALERT SYSTEM. The Blue Alert system.

8 (2) DEPARTMENT. The Department of Public Safety.

9 (3) DIRECTOR. The Director of the Department of
10 Public Safety.

11 (4) LAW ENFORCEMENT AGENCY. A law enforcement agency
12 with jurisdiction over the search for a suspect in a case
13 involving the death or serious injury of a peace officer or an
14 agency employing a peace officer who is missing in the line of
15 duty.

16 (5) PEACE OFFICER. A person who is certified to
17 exercise the power of arrest under the laws of this state.

18 (b) There is established a statewide alert system
19 known as "Blue Alert" which shall be developed and implemented
20 by the director, who is the statewide coordinator of the alert
21 system.

22 (c) The alert system may be activated under either
23 of the following circumstances:

24 (1) When a suspect of a crime involving the death or
25 serious injury of a peace officer has not been apprehended and

1 law enforcement personnel have determined that the suspect may
2 be a serious threat to the public.

3 (2) When a peace officer becomes missing while in
4 the line of duty under circumstances warranting concern for
5 the safety of the peace officer.

6 (d) The director shall do all of the following:

7 (1) Adopt rules necessary to ensure the proper
8 implementation of the alert system, including instructions on
9 the procedures for activating and deactivating the alert
10 system.

11 (2) Prescribe forms for use by local law enforcement
12 agencies in requesting activation of the alert system.

13 (e) The department may do any of the following:

14 (1) Recruit public and commercial television, radio,
15 cable, print, and other media, private commercial entities,
16 state or local governmental entities, the public, and other
17 appropriate persons to assist in developing and implementing
18 the alert system.

19 (2) Enter into agreements with participants in the
20 alert system to provide necessary support for the alert
21 system.

22 (f) A law enforcement agency participating in the
23 alert system shall do all of the following:

24 (1) Cooperate with the department and assist in
25 developing and implementing the alert system.

1 (2) Establish a plan for providing relevant
2 information to its officers, investigators, or employees, as
3 appropriate, once the alert system has been activated.

4 (3) Utilize a rapid response telephone system that
5 alerts residents in a targeted area.

6 (g) Upon notification by a law enforcement agency
7 that a suspect in a case involving death or serious injury of
8 a peace officer has not been apprehended and may be a serious
9 threat to the public, the director shall activate the alert
10 system and notify the appropriate participants in the alert
11 system, as established by rule, if all of the following
12 conditions are met:

13 (1) A law enforcement agency believes that a suspect
14 has not been apprehended.

15 (2) A law enforcement agency believes that the
16 suspect may be a serious threat to the public.

17 (3) Sufficient information is available to
18 disseminate to the public that could assist in locating the
19 suspect.

20 (h) Upon notification by a law enforcement agency
21 that a peace officer is missing while in the line of duty
22 under circumstances warranting concern for the safety of the
23 peace officer, the director shall activate the alert system
24 and notify the appropriate participants in the alert system,
25 as established by rule, if sufficient information is available

1 to disseminate to the public that could assist in locating the
2 missing peace officer.

3 (i) The area of the alert may be less than statewide
4 if the director determines that the nature of the event makes
5 it probable that the suspect did not leave a certain
6 geographic location.

7 (j) Before requesting activation of the alert
8 system, a law enforcement agency shall verify that the
9 criteria described under subsections (g) or (h) have been
10 satisfied. The law enforcement agency shall assess the
11 appropriate boundaries of the alert based on the nature of the
12 suspect and the circumstances surrounding the crime or the
13 last known location of the missing police officer.

14 (k) The director shall terminate any activation of
15 the alert system with respect to a particular incident if any
16 of the following circumstances occur:

17 (1) The suspect or peace officer is located or the
18 incident is otherwise resolved.

19 (2) The director determines that the alert system is
20 no longer an effective tool for locating the suspect or peace
21 officer.

22 (1) A law enforcement agency shall notify the
23 director immediately when the suspect is located and in
24 custody or when the peace officer is found.

25 (m) An entity or individual involved in the
26 dissemination of an alert generated through the alert system

1 pursuant to this section shall not be liable for any civil
2 damages arising from such dissemination absent unreasonable,
3 wanton, willful, or intentional conduct.

4 Section 2. This act shall become effective on the
5 first day of the third month following its passage and
6 approval by the Governor, or its otherwise becoming law.