

SENATE BILL NO. 34

BY SENATORS MCMATH, BARTHELEMY, BOUDREAUX, CARTER, FESI, HARRIS, HENRY, HENSGENS, JACKSON-ANDREWS, JENKINS, KLEINPETER, LUNEAU, MILLER, OWEN, PRICE, SELTERS, STINE AND WOMACK AND REPRESENTATIVES ADAMS, AMEDEE, BACALA, BERAULT, BILLINGS, BOUDREAUX, BOYD, BRASS, BRAUD, BROUSSARD, BRYANT, BUTLER, WILFORD CARTER, CARVER, CHENEVERT, DEWITT, DICKERSON, DOMANGUE, ECHOLS, EDMONSTON, EGAN, FIRMENT, FISHER, FREEMAN, FREIBERG, GALLE, HEBERT, HILFERTY, HORTON, JORDAN, KNOX, LACOMBE, LAFLEUR, JACOB LANDRY, MANDIE LANDRY, TERRY LANDRY, LARVADAIN, LYONS, MACK, MARTINEZ, MENA, MURRAY, NEWELL, ORGERON, OWEN, PHELPS, SAWYER, SCHAMERHORN, SPELL, TAYLOR, VENTRELLA, WILEY, WYBLE, ZERINGUE AND CHASSION

1 AN ACT

2 To enact R.S. 40:2522, relative to missing person alerts; to provide for criteria for issuing
3 alerts; to provide for alerts for adults and children with disabilities; to provide for
4 responsibilities of local law enforcement and state police; to provide for training; to
5 provide for immunity; to provide for an effective date; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:2522 is hereby enacted to read as follows:

9 **§2522. Missing person alerts; adults and children with disabilities**

10 **A. An AMBER Alert shall be activated for abduction cases involving**
11 **children seventeen years of age or under when the circumstances indicate the**
12 **child is in danger of serious bodily harm or death and there is sufficient**
13 **descriptive information about the child, abductor, or suspect's vehicle.**

14 **B. If a case involving a missing child does not meet AMBER Alert**
15 **criteria, a Level II Endangered Missing Child Advisory may be issued by the**

1 office of state police.

2 C. A Level II Endangered Missing Child Advisory shall be identified as
3 "Bryan's Call" if the missing child is:

4 (1) Aged seventeen or younger.

5 (2) Not a risk to the general public.

6 (3) Believed to be diagnosed with any of the following:

7 (a) A developmental or cognitive impairment, including but not limited
8 to autism spectrum disorder (ASD), traumatic brain injury (TBI), Down
9 syndrome, or Sanfilippo syndrome.

10 (b) An irreversible deterioration of intellectual faculties that makes them
11 unable to meet their own needs or to seek help without assistance.

12 D. In addition to the procedures established pursuant to R.S. 40:2530.1
13 et seq., a Silver Alert shall be identified as a "Bryan's Call" if the missing
14 person is:

15 (1) Aged eighteen or older.

16 (2) Not a risk to the general public.

17 (3) Believed to be diagnosed with any of the following:

18 (a) A developmental or cognitive impairment, including but not limited
19 to autism spectrum disorder (ASD), traumatic brain injury (TBI), Down
20 syndrome, or Sanfilippo syndrome.

21 (b) An irreversible deterioration of intellectual faculties that makes them
22 unable to meet their own needs or to seek help without assistance.

23 E. A local law enforcement agency with the capability to issue an alert
24 shall issue one immediately upon receipt of a report of a missing person or child
25 provided for in Subsection C or D of this Section. If the local law enforcement
26 agency does not have the capability to issue an alert, the agency shall
27 immediately contact the office of state police to issue the alert. Local law
28 enforcement shall make a reasonable effort to determine whether the
29 appropriate alert type is an AMBER Alert, Level II Endangered Missing Child
30 Advisory, or Silver Alert. However, the office of state police shall make the final

1 determination of the appropriate alert type.

2 F. If state police receives a request that involves a missing person or child
3 provided for in Subsection C or D of this Section, and the time of the receipt is
4 no more than seventy-two hours since the person or child went missing, the
5 office of state police shall issue an alert providing rapid dissemination of
6 information using a wireless emergency alert either statewide or locally
7 regarding the missing person or child. The office of state police shall make every
8 effort to disseminate the information as quickly as possible when a person's or
9 child's status as missing has been reported to a local law enforcement agency.

10 G. The office of state police shall make training available to first
11 responders, upon request, on responses to reports of missing persons or
12 children, whether the case involves an abduction, child endangerment, or
13 individuals with cognitive or developmental disabilities, including the utilization
14 of applicable alert systems.

15 H.(1) Any state police officer, members of other law enforcement entities,
16 radio or television broadcasters, or cable television operators, who transmit or
17 display, or who fail to transmit or display such information concerning a
18 missing child, and other entities who may become an active component of this
19 effort, shall not be liable for any civil damages or criminal penalties as a result
20 of any acts or omissions relative to the Level II Endangered Missing Child
21 Advisory.

22 (2) Any state police officer, members of other law enforcement entities,
23 radio or television broadcasters, or cable television operators, who transmit or
24 display, or who fail to transmit or display such information concerning a
25 missing person, and other entities who may become an active component of this
26 effort, shall not be liable for any civil damages or criminal penalties as a result
27 of any acts or omissions relative to the identification of the alert as a "Bryan's
28 Call".

29 Section 2. This Act shall become effective upon signature by the governor or, if not
30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____