

Sixty-ninth
Legislative Assembly
of North Dakota

**FIRST ENGROSSMENT
with House Amendments**

ENGROSSED SENATE BILL NO. 2098

Introduced by

Senator Larson

Representative Heinert

1 A BILL for an Act to create and enact a new chapter to title 54 of the North Dakota Century
2 Code, relating to a state alert notice system; and to repeal sections 39-03-13.2 and 54-12-32 of
3 the North Dakota Century Code, relating to the state's silver and blue alert notice systems.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new chapter to title 54 of the North Dakota Century Code is created and
6 enacted as follows:

7 **Definitions.**

8 As used in this chapter:

- 9 1. "Amber alert notice" means an urgent bulletin using the emergency alert system to air
10 a description of a child who has been abducted.
- 11 2. "Blue alert notice" means an urgent bulletin using the emergency alert system to air a
12 description of an individual or an individual's vehicle to aid in the apprehension of an
13 individual who has threatened a law enforcement officer with a deadly weapon, used a
14 deadly weapon against a law enforcement officer, caused a law enforcement officer to
15 suffer serious bodily injury or death, abducted a law enforcement officer, or caused a
16 law enforcement officer to go missing while on duty, and the individual has left the
17 scene of the offense.
- 18 3. "Missing endangered individual" means:
- 19 a. A disabled adult or elderly vulnerable adult as defined in section 50-25.2-01 who
20 has disappeared and whose disappearance has been reported to law
21 enforcement;

b. An individual who has a developmental disability as defined in section 25-01.2-01 who has disappeared and whose disappearance has been reported to law enforcement; or

c. An elderly adult who has disappeared, whose disappearance has been reported to law enforcement and the disappearance:

(1) Indicates the individual is believed to be in grave danger of serious bodily harm or death, as determined by a law enforcement agency and either the highway patrol or bureau of criminal investigation, based on a report received from the missing adult's family member or an individual who has significant frequent contact with the missing adult, which contains sufficient evidence of the imminent risk;

(2) Warrants a silver alert notice activation due to the particular circumstances, as determined by a law enforcement agency and either the highway patrol or bureau of criminal investigation, based on a report received from the missing adult's family member or an individual who has significant frequent contact with the missing adult, which contains sufficient evidence that the particular circumstances warrant a silver alert notice activation.

4. "Silver alert notice" means an urgent bulletin using the emergency alert system to air a description of a missing individual to aid in the location of that individual.

Alert notice system activation.

1. A law enforcement agency may request the bureau of criminal investigation or the superintendent of the highway patrol to activate an amber alert notice, a blue alert notice, or a silver alert notice.

2. The bureau of criminal investigation, in cooperation with the highway patrol, shall prepare an operational plan to prepare for and respond to requests for activation of an amber alert notice, a blue alert notice, or a silver alert notice. The plan must include the role and requirements of the division of state radio of the department of emergency services in broadcasting an alert to the public.

Minimum requirements for activating an amber or blue alert notice.

1. An amber alert notice may not be activated unless:

a. The abduction involves a child seventeen years of age or younger;

b. The law enforcement agency investigating the abduction has confirmed the child is believed to be in grave danger of serious bodily harm or death; and

c. The bureau of criminal investigation or the superintendent of the highway patrol determines sufficient descriptive information has been provided about the child, the abductor, or the abductor's motor vehicle to:

(1) Assist with the safe recovery of the child;

(2) Assist with the apprehension of the abductor; and

(3) Believe an immediate broadcast alert will assist in the search for and safe return of the child.

2. A blue alert notice may not be activated unless:

a. An individual who is a suspect in an offense has threatened a law enforcement officer with a deadly weapon, used a deadly weapon against a law enforcement officer, caused a law enforcement officer to suffer serious bodily injury or death, abducted a law enforcement officer, or caused a law enforcement officer to go missing while on duty;

b. The individual has fled the scene of the offense and a description of the individual or the individual's vehicle is available for broadcast;

c. The law enforcement agency investigating the offense has determined the individual poses a threat to the public or other law enforcement personnel; and

d. Dissemination of available information to the public may help avert further harm or assist in the apprehension of the suspect.

SECTION 2. REPEAL. Sections 39-03-13.2 and 54-12-32 of the North Dakota Century Code are repealed.