

**BILL NO.**

Legislative Assembly  
of North Dakota

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

20 43. "Missing endangered individual" means:

21 a. An endangered disabled adult or elderly vulnerable adult as defined in section  
22 50-25.2-01 who has disappeared and whose disappearance has been reported  
23 to law enforcement;

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

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

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

13           ~~(2) Poses a threat to the health and safety of the adult due to the environment~~  
14           ~~or severe winter, cold, or windy weather conditions, as determined by a law~~  
15           ~~enforcement agency based on a report received from the missing adult's~~  
16           ~~family member which contains sufficient evidence of the threat to health or~~  
17           ~~safety; or~~

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

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

27           **Alert notice system activation.**

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

31           2. The bureau of criminal investigation, in cooperation with the highway patrol, shall  
32           prepare an operational plan to prepare for and respond to requests for activation of an

1 amber alert notice, a blue alert notice, or a silver alert notice. The plan must include  
2 the role and requirements of the division of state radio of the department of emergency  
3 services in broadcasting an alert to the public.

4 **Minimum requirements for activating an amber or blue alert notice.**

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

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

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

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

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

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

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

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

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

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

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

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

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