

2025 SENATE STATE AND LOCAL GOVERNMENT

SB 2098

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2098
1/16/2025

Relating to state's silver and blue alert notice systems.

9:00 a.m. Chair Roers called the meeting to order.

Members Present: Chair Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Abduction of children
- Law Enforcement protection
- Vulnerable adult missing person alert
- Developmentally disabled individuals

9:01 a.m. Senator Larson introduced the bill.

9:03 a.m. Sergeant Jenna Clawson Huibregste, Sergeant with the ND Highway Patrol, testified in favor and submitted testimony #29341.

9:27 a.m. Steven Harstad, Chief agent with the Bureau of Investigation, testified in favor.

9:30 a.m. Lisa Monroe, testified in favor and submitted testimony #30218.

9:42 a.m. Tina Bay, Director of the Developmental Disabilities Section with the Health and Human Services testified neutral and submitted testimony #28760.

9:46 a.m. Nancy Nikolas Maier, Health and Human Services, testified neutral.

9:50 a.m. Travis Bateman, Badlands Search and Rescue Service, testified in favor and submitted testimony #30693.

10:03 Vice Chair Castaneda closed the hearing.

Susan Helbling, Committee Clerk



Testimony
Senate Bill No. 2098
Senate State and Local Government Committee
Senator Kristin Roers, Chairman
January 16, 2025

Chairman Roers, and members of the Senate State and Local Government Committee, I am Tina Bay, Director of the Developmental Disabilities Section with the Department of Health and Human Services (Department). I appear before you to provide testimony on Senate Bill No. 2098.

I would like to bring your attention to Section 1, page 1, lines 22 through 24, which refer to North Dakota Century Code section 25-01.2-01. The language specifically identifies a minor with developmental disabilities; however, North Dakota Century Code 25-01.2-01 includes both children and adults.

While Section 1, page 1, lines 19-21 reference a "disabled adult," the section of the Century Code cited does not define "disabled adult" but instead defines a "vulnerable adult." This discrepancy may create a gap in which an adult with a developmental disability does not meet the definition of a "vulnerable adult" and, as a result, would not meet the criteria for reporting a missing individual.

This issue could potentially leave certain adults with a developmental disability without the appropriate protections.

In addition, in Section 1, page 2, lines 5 and 10 limits who can make a report about an elderly adult who is missing to a family member. The Department believes that the ability to report should not be limited to family members, as many older adults live alone or with non-family members. Credible reports could come from other trusted sources, such as close friends, employers, clergy, or other individuals who have maintained significant contact with the older adult. These sources might otherwise be restricted from reporting because the adult does not meet the definition of a vulnerable adult as outlined in section 25-01.2-01.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.

**69th Legislative Assembly**Testimony in **Support** of**Senate Bill No. 2098****State and Local Government Committee**

January 16, 2025

TESTIMONY OF

Sergeant Jenna Clawson Huibregtse

Good afternoon, Chairman Roers and members of the State and Local Government Committee. My name is Jenna Clawson Huibregtse, and I proudly serve as a sergeant with the North Dakota Highway Patrol. My duties include operating as North Dakota's alerts coordinator. The alerts system consists of many entities including: local law enforcement, state radio, the watch center, BCI, Highway Patrol, Emergency Services.

The Highway Patrol thanks Senator Larson and Representative Heinert for sponsoring this important bill. North Dakota has three emergency alerts called AMBER, Blue, and Silver alerts.

The high-level overview:

AMBER Alert

1. Exist for abducted children who are 17 years of age or younger
2. Confirmation by local law enforcement of a stranger or family abduction in which the child is believed to be in grave danger serious bodily harm or death,
3. There is descriptive information about the child, abductor, and/or suspect's vehicle to assist with a safe recovery.

Blue Alert

1. An individual has threatened a law enforcement officer with a deadly weapon, has used a deadly weapon against a law enforcement officer, has caused a law enforcement officer to suffer serious bodily injury or death, or the officer has been abducted or is missing while on duty;
2. The individual has fled the scene of the offense and a description of the individual or the individual's vehicle is available for broadcast;
3. The law enforcement agency investigating the offense has determined the individual poses a threat to the public or other law enforcement personnel; and

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

Silver Alerts

1. The missing person involves a vulnerable adult as defined under NDCC 50-25.2-01 or vulnerable elderly adult, who is at least 65 years old, as defined under NDCC 12.1-31-07, who has been reported to law enforcement as missing.
2. The missing person involves a minor who has developmental disabilities, as defined under NDCC 25-01.2-01, who has been reported to law enforcement as missing.
3. There is descriptive information about the minor or adult and/or vehicle involved, to assist with the safe recovery of the person.
4. There is enough usable information about the person and/or vehicle to believe an immediate broadcast will provide the public with descriptive information to help locate the person or vehicle.

If you flip to a red and white handout I distributed to you, you will see a case study compiled by NDDDES from the last Silver Alert. This includes a matrix showing what happens when an alert is requested by local law enforcement. When an individual is believed to meet criteria for an alert, the reporting local law enforcement agency fills out the request form and submits it by contacting State Radio. State Radio then works with local enforcement and the Watch Center to run verification checklists, gather intel, and begin notifications to the Highway Patrol, the Bureau of Criminal Investigation, and alerts group to start the vetting process.

Often there is further information that needs to be collected with the reporting law enforcement agency or with the family before an alert is issued. By doing this, we help locate many of the people in alert requests before they are issued out to the public. When an alert does not meet criteria, efforts to find the person do not cease at this time. We continue to assist the requesting law enforcement agency with launching a missing persons search, assist them in putting a local code red alert, use media and social media blasts, and more. Regardless of an alert being issued or not, local law enforcement agencies maintain control of a missing person case. The Highway Patrol and Bureau of Criminal Investigation's involvement stays at an alerts level and as an assisting agency in the missing persons search.

Today I bring amendments forward after conversations with Senator Larson, Representative Heinert, the Bureau of Criminal Invitation, and the impacted alerts group from North Dakota Department of Emergency Services. I also bring these amendments forward having 6 years' experience working these emergency alerts.

Currently, alerts information exists in two locations. Silver and Blue alerts are in century code whereas the Amber alert exists by executive order only. This bill organizes the alerts into one section of century code. Impacting page 1 line 18 and page 2 line 17, you will see the first amendment proposed is moving “missing individual” to number four and “Silver Alert Notice” to number 3. This keeps the Amber, Blue, and Silver alert notice portions in one section.

Next, we amended the “missing individual” definition by adding the term endangered on Page 1 line 18. It is important to separate endangered individuals from a standard missing persons case. There are a variety of reasons a person can go missing and not all qualify in this endangered category. In some cases, people chose to go missing or in other cases people do not want to be found. We must maintain and respect the freedom of choice afforded to people who do not have physical or mental impairments preventing them from living independently. While it is in the minority, we have received Silver alert requests or even issued a Silver alert where someone was taking time off from their family at a hotel or in another case the person was in jail in another state. In both examples, we would then find out later they had their faculties about them and did not qualify for a silver alert. Without strict criteria, an alerts system can become an overused tool that encroaches on the freedom of our able mind and able-bodied citizens.

For consistency and clarity, we also added endangered to page 1 line 19, page 1 line 22, and page 2 line 1.

- a.** an (endangered) disabled adult
- b.** an (endangered) minor who has a developmental disability, and
- c.** an (endangered) elderly adult

On Page 2 line 3, we struck “may pose an imminent risk of personal injury to the adult or others” and we added language to maintain consistency with Amber alerts and clarify WHY we do Silver alerts and WHO we do them for. “An elderly adults who has disappeared, whose disappearance has been reported to law enforcement and the disappearance 1) indicated the person may be in grave danger or serious bodily injury or death.”

On page 2, line 4 we also added “and highway patrol or bureau of criminal investigation” after law enforcement agency. While reports must be made to the local law enforcement agency, the qualification for an alert must be done in conjunction with the highway patrol or bureau of criminal investigation according to North Dakota century code. Adding these two agencies complies with century code and creates consistency across the three alert types.

On page 2, line 7-11, the section has been struck. This section solely relates to weather and age, leaving the alert criteria too loose. By adding “grave danger or serious bodily injury or death” to Page 2, line 3 inclement and extreme weather is accounted for. I would like to note that we already consider weather as a factor for every alert request since we consider that to be extreme circumstances that could seriously injure or kill a missing endangered individual who qualifies for a Silver alert.

On page 2, line 13 and 16, we struck duration of disappearance. In a missing persons case, time is of the essence. When a person has been missing and qualifies for an alert, they are physically or mentally impaired and loved ones or a care facility report the person missing to us in a timely manner. In turn, an immediate broadcast of usable information about the person and/or vehicle will provide the public with descriptive information to help locate the person or vehicle. If a person has been missing for longer, the immediate broadcast is no longer considered beneficial. Many factors contribute to this, but some include, change of clothing, no longer driving the same vehicle, multiple states away, no longer in view of the public, etc.

When considering changes to the alerts century code, we have look at its origin. The alerts system was created to bring abducted children home via the Amber alert. The unfortunate truth is, each time an alert type is added or expanded we reduce the effectiveness of alerts due to people shutting their notifications off. While North Dakota enjoys a high success rate for public alerts, the catch 22 is the more alerts being sent, the less they are viewed. More opt out of receiving alerts on their phone and tune out of the DOT road signs and news, reducing the overall effectiveness. The changes proposed today expand the discretion for law enforcement when finding missing endangered individuals, while maintaining a high standard of strict criteria.

Please consider these changes and I will stand for any questions. Thank you Chairman Roers and the committee.

LISA LIKEN MONROE
1/16/25
2098
IN FAVOR

Testimony on SB2098
State and Local Government Committee
Lisa Liken Monroe
January 16, 2025

Madam Chair and members of the State and Local Government Committee, thank you for the opportunity to provide testimony regarding changes to the Silver Alert notification system as defined in Senate Bill 2098.

My name is Lisa Liken Monroe. I am the daughter of Lloyd Liken, a Vietnam War veteran who went missing on the evening of Thursday, November 16, 2023, after attending a church supper. The experiences I'm about to share with you have motivated me to become an advocate for expansion of the Silver Alert eligibility criteria.

The newspapers piled up at the front door of Dad's apartment were one of the first signs something was very wrong. My husband Chad and I found the papers when we went to pick up Dad for dinner and the symphony on the evening of Saturday, November 18, 2023. That evening was the beginning of five months of living hell for the two of us and our family and friends.

When we realized Dad was missing, one of our first actions was to request that a Silver Alert be issued. It was a devastating blow to find out he did not qualify because he did not have a medical diagnosis of dementia or Alzheimer's. We had recently learned law enforcement officers had helped him find his way home on two separate occasions, but even that did not qualify him for a Silver Alert.

When Dad told us he had received this assistance from law enforcement, he attributed it to problems with his night vision, problems that had resulted from injuries sustained while serving in Vietnam. We talked to him about the possibility that getting confused while driving was a sign of dementia, but he reassured us he was fine. He must have been in denial at that point, and he had never given us any reason to believe what he said to us was anything less than 100 percent true.

Soon after, we learned our concerns were valid. When Dad disappeared that Thursday evening, dementia was the obvious reason, but, as I mentioned, it had not yet been diagnosed by a doctor.

Without the Silver Alert to support our efforts, Chad and I and some friends began a desperate search, driving day and night, looking in all the places he might be likely to go. Then we reached out for assistance, and what was to become an aggressive search process was soon underway.

With direction from the Badlands Search and Rescue Service, dozens of volunteers panned out in the Bismarck/Mandan area, soon stretching farther out into surrounding counties and to specific areas of the state where possible sightings were being reported. Volunteers also reported in from Montana, South Dakota and Minnesota.

Shortly after the formal search began, we received some staggering news. In the early morning hours of Friday, November 17 – before Chad and I even knew Dad was missing – a McLean County deputy sheriff spotted him traveling southbound on Highway 83 near Wilton. Dad was driving slowly, but his driving was not erratic and, according to state law, did not provide justifiable cause for the deputy to stop him. It was difficult to learn about this “what if” moment, but it also was reassuring to know where he had been and, most importantly, that he was alive and well at that point in time.

Chad and I want you to know that law enforcement officers assisted in the search wherever and whenever possible. We greatly appreciate the assistance provided by many city, county and state agencies. I do, however, want to commend one office in particular. Even though McLean County is the largest county in our state, the Sheriff’s Office traveled every single road in the county, looking for Dad. As our team of volunteers continued to search, the sheriff assured us Dad was not in McLean County, and volunteer search efforts would be best utilized elsewhere.

And so the search continued. By car, by boat, by plane and using drones – we worked as a team to search every possible field, body of water, dead-end road or gulley. Badlands Search and Rescue used mapping software to create a detailed search map that allowed volunteers to

opt in on an app. Badlands Search and Rescue then tracked and recorded the movement of these volunteers, ensuring our efforts were thorough, but not duplicated. Just counting the searches recorded on this app, our dedicated team of volunteers logged more than 15,000 miles, committing their own time and resources to finding Dad! This total of 15,000 miles does not include searches reported by many people who followed “Looking for Lloyd Liken” on social media, then paid close attention to their surroundings as they traveled in North Dakota and beyond state borders.

Our efforts also were supported by local media outlets that ran many stories about the search and billboards in the Bismarck area that raised awareness Dad was missing. Search volunteers posted flyers wherever they could find a bare spot on a business window in the towns they searched and in gas stations and convenience stores close to highways and the interstate.

Whether they were talking to a farmer or rancher met along a country road, to a rural family that answered a knock at the door or to a group of people at a local coffee shop – search team members were asked the same question over and over again:

WHY HASN'T THERE BEEN A SILVER ALERT FOR THIS MISSING MAN???

The answer was always the same. Sadly, he did not qualify.

Our active search continued into December until the point when Chad and I became concerned about the safety of the compassionate men and women who had given so much to help us find Dad. December, January, February, March and April – the winter stretched on, long and full of heartache. Our days were filled with “where” and “what-if” questions. If a Silver Alert had gone out, would Dad still be with us? We kept our sanity by developing plans to renew the search as soon as the weather allowed.

And finally one day, we got the answer we so badly needed. It wasn't the answer we wanted, but we would finally be able to lay Dad to rest. His frozen body had been found near his vehicle on April 14, 2024, when a farmer checked his fields in rural Wells County.

It would be easy to let this immeasurable grief take over our lives, but Chad and I are doing our best to follow Dad's example and live life to the fullest. We're also committed to fulfilling a promise we made to ourselves soon after finding out Dad was ineligible for a Silver Alert. That promise was to do everything in our power to broaden North Dakota's Silver Alert search criteria so that senior citizens like Dad do not fall through the cracks ever again and to do everything in our power to spare other families from the misery and grief Chad and I have endured.

Madam Chair and members of the State and Local Government Committee, thanks again for allowing me to share this experience with you. I respectfully ask you to vote "do pass" on Senate Bill 2098.

This concludes my testimony, but I will be available to answer questions.

TRAVIS BATEMAN
 1/16/25
 SB 2098
 IN FAVOR



TO: NORTH DAKOTA LEGISLATURE-69TH LEGISLATIVE SESSION

RE: TESTIMONY IN FAVOR OF SENATE BILL 2098

1/16/2025

Senator Roers and committee members,

Good morning, my name is Travis Bateman and I am here representing the Badlands Search & Rescue Service along with the Search and Rescue Volunteer Association of North Dakota. I am here before you today in favor of Senate Bill 2098 but have several recommendations for this bill as we are of the belief that it can and should go further.

Regarding Silver Alerts, I wish to share with you two North Dakota stories of very similar circumstances but with two very different outcomes.

The first and most recent occurred at the end of 2024 and start of the new year in and near Minot. An elderly woman with diagnosed dementia named Faye Schaefer, 84 and her vehicle went missing. Weather conditions were typical for winter of that time of year. Her cellular phone was left at her home. Faye had become lost once before this instance but was located within the city of Minot and returned safely home.

This time around was different and the Minot Police through the state's response plan through BCI and the Highway Patrol issued a Silver Alert as her case fit the current criteria. Faye was known to not be dressed or prepared for the winter elements so time to locate her unharmed was ever so critical amidst falling temperatures, especially at night. January 1st, 2025, two young men were out snowmobiling when they had the extra wit about them to check out a vehicle that appeared to be stuck on a trail, in the snow. From what I gathered as they approached they observed the driver door open and soon found Faye, cold, suffering from exposure to the elements, her vehicle out of fuel and therefore without heat. These two young men didn't know it then, but they had just saved someone's life. Faye Schaefer was rescued and reunited with her family. In speaking with the family, given Faye's condition, she will no longer be allowed or able to drive and they are afforded the ability to take further steps in safeguarding her.

Now, let's go back to November 16th, 2023 to Bismarck. A very similar case, minus a physician diagnosis, a current requirement of the Silver Alert criteria at the time. Lloyd Liken, 81 years old and by all accounts, a hero medic of the US Army and the Vietnam War left for home after a dinner that night in northeast Bismarck. Lloyd had become lost in the city twice before but was located by law enforcement and safely returned home. Like most folks in this state, Lloyd enjoyed his independence and but for these

two instances of becoming lost while driving in the city, he functioned and did fine by all accounts from those that knew him. But, this third time, Lloyd got turned around and at some point traveled north on US83 to as far as Wilton so far as we are able to know. The reason we know that is because at about 1AM that night (now November 17th) a vigilant and proactive McLean County deputy sheriff out on patrol came upon what at the time was Lloyd in his gold SUV, traveling southbound near Wilton. Lloyd was traveling 55 mph in a 65 mph zone. Which, at 1AM on a weekend night, certainly should draw the additional scrutiny from a cop on patrol. And it did, enough for the deputy to do a rolling license plate check on his computer. The vehicle came back clear and the deputy, eyeing what he was likely thinking may be an impaired driver, chose to take one last look by driving up alongside the vehicle in the passing lane where he observed it to be an elderly adult male. At that point, as can and usually is a typical response, it was shrugged off as "just an old guy" and the deputy, with no reasons to stop Lloyd as there was no violation and for this, no alert out for the vehicle yet, turned off and continued his patrol. Lloyd was reported missing at about 5PM on November 18th when his daughter and son-in-law went by his apartment to pick him up and discovered both him and his vehicle gone. Lloyd's cell phone was left at home and his vehicle contained no factory or aftermarket technology for GPS or other location detection or tracking.

That was the one and only confirmed sighting of Lloyd Liken throughout the entire search for him. In the weeks to follow, Badlands SAR aided the family and his church in coordinating public search efforts where an immense number of citizens scoured roads, trails, waterways, cities, and towns from the South Dakota/North Dakota line to as far north as Kenmare and the Minot AFB. To the tune of 17,670.12 miles. Lloyd was nowhere to be found when winter came in and forced us to suspend search efforts.

On April 14, 2024, a landowner in Wells County located Lloyd's gold SUV on his property, stuck in the mud and water in a shallow slough. He contacted authorities and when the license plate was given, it was confirmed to be Lloyd's vehicle. Upon arrival, authorities searched the area of rolling hills, grazed or cut for hay, with no cover, otherwise open prairie, and they soon located Lloyd Liken, east of his vehicle about 500 yards, still wearing the clothing as described, at rest on his left side, with his right hand upon his face as though to try and shield from the cold winter wind. Lloyd went through everything he did in his life, in addition to combat in service to our nation, only to die alone on a cold and barren knoll in north central North Dakota.

That current system failed Lloyd Liken and we owe it to him to see that it be changed for the better, codified in state law for the next case, because there will be a next case.

Currently, the Silver Alert criteria has four qualifiers. And if even one is not checked off, the request is denied. Compared to other states reviewed, North Dakota has some of the most stringent criteria. We also are one of the states with the highest populations of seniors.

Criteria:

As of September 2023, the have criteria for North Dakota as:

A Silver Alert is activated if there is enough descriptive information about the missing person and/or vehicle to assist with the safe recovery of that person and EITHER of the following are met:

-Substantial functional impairment-asubstantial incapability, because of physical limitations, of living independently or providing self-care as determined through observation, diagnosis, evaluation, or assessment.

-Substantial mental impairment-a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgement, behavior, or ability to live independently or provide self-care as revealed by observation, diagnosis, evaluation, or assessment.

Now, I am aware that as of late 2024 that the NDDDES has changed the criteria per notes from the North Dakota 911 Association and NDDDES documents obtained. This does not negate the fact that the state law needs to be changed to reflect that. The current verbiage and practice failed Lloyd Liken, when under the circumstances presented for that case, it should not have. A Silver Alert should have been issued for him, period and that request was denied as it was told that he had not been diagnosed by a physician to have dementia or Alzheimer's. That was it. Lloyd not having a diagnosis from a physician was the determining factor as to why the public and law enforcement beyond Bismarck Police was not alerted to aid in looking out for him and his vehicle. All other criteria was there. Photos of him, his vehicle, even the tire tread was available. Would it still have been helpful given the time delay in him driving from dinner to his family going by and realizing he was missing, we will never know. However, an alert put out can be so beneficial, whether it be a person actively observing the missing in real time or an alert being issued and jogging the memory of an observant citizen or public safety member.

We owe it to our fellow citizens, our elderly, our seniors, our elders. We owe it to those within the Autism spectrum and other developmental disabilities, to do everything we can to adequately alert anyone and everyone to be on the lookout for them within reason and within a determined geographical area based on data and applicable information at hand (such as on foot or by vehicle with a full tank of fuel) to bring about the absolute best efforts in locating them safely and alive.

The clock is ticking and often times when notified we are already racing against it with little to no chance of closing the gap. Our state has harsh weather extremes, unforgiving terrain, vast areas with no human activity or frequency, and endless challenges when there is a search without a defined and contained search area. A Silver Alert that is not restricted or so selective as to have something of a requirement like a physician's diagnosis does nothing but work against the outcome of these cases. Every case is unique for a variety of circumstances but with an alert that has acceptable qualifiers to fit the human profiles, that is what is needed.

The Silver Alert, Amber Alert, Blue Alert of North Dakota and others still as established in other states save lives and give each person missing a far greater chance of being located and returned alive than located and dead.

Some input for wording in the current bill draft:

Lines 11-12, along with individual's vehicle description, there needs to be added: the individual's physical appearance, clothing, or other identification factors to the extent known.

Lines 18-21. The definition of a vulnerable adult still does NOT work should the same situation as that of Lloyd Liken occur again for someone else. The state's definition of a vulnerable adult is "an adult who has a substantial mental or functional impairment." Add "suspected of" and that would help. The current definition alone would still require diagnosis by a physician in our interpretation and as was the case for denying a Silver Alert in Lloyd's case.

Recommended wording for criteria to amend and include in the NDOC, not just in policy, but in the NDOC:

- He or she went missing while in North Dakota;
- The missing person is 60 years of age or older;
- Confirmation law enforcement has received a signed statement from a family member, close friend, caregiver, doctor or person at a medical facility that verifies the endangered person has an impaired mental condition;

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Peace Garden Room, State Capitol

SB 2098
1/30/2025

Relating to state's silver and blue alert notice systems.

11:28 a.m. Chair Roers called the meeting to order.

Members Present: Chair Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Committee Action

11:30 a.m. Senator Lee moved to adopt amendment #25.0282.02001.

11:32 a.m. Senator Walen seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 6-0-0

11:33 a.m. Senator Lee moved a Do Pass as amended.

11:33 a.m. Senator Walen seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 6-0-0

Senator Barta will carry the bill.

Senate State and Local Government Committee
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11:36 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

825 1/30/25
1 of 4

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

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:

- 1 a. A disabled adult or elderly vulnerable adult as defined in section 50-25.2-01 who
2 has disappeared and whose disappearance has been reported to law
3 enforcement;
- 4 b. A minor who has a developmental disability as defined in section 25-01.2-01 who
5 has disappeared and whose disappearance has been reported to law
6 enforcement; or
- 7 c. An elderly adult who has disappeared, whose disappearance has been reported
8 to law enforcement and the disappearance:
- 9 (1) ~~May pose an imminent risk of personal injury to the adult or others~~ Indicates
10 the individual is believed to be in grave danger of serious bodily harm or
11 death, as determined by a law enforcement agency and either the highway
12 patrol or bureau of criminal investigation, based on a report received from
13 the missing adult's family member or an individual who has significant
14 frequent contact with the missing adult, which contains sufficient evidence of
15 the imminent risk;
- 16 (2) ~~Poses a threat to the health and safety of the adult due to the environment~~
17 or severe winter, cold, or windy weather conditions, as determined by a law
18 enforcement agency based on a report received from the missing adult's
19 family member which contains sufficient evidence of the threat to health or
20 safety; or
- 21 (3) ~~Warrants a silver alert notice activation due to the particular circumstances~~
22 or duration of the disappearance, as determined by a law enforcement
23 agency and either the highway patrol or bureau of criminal investigation,
24 based on a report received from the missing adult's family member or an
25 individual who has significant frequent contact with the missing adult, which
26 contains sufficient evidence that the particular circumstances or duration
27 warrant a silver alert notice activation.
- 28 4. "Silver alert notice" means an urgent bulletin using the emergency alert system to air a
29 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

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

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

**REPORT OF STANDING COMMITTEE
SB 2098**

State and Local Government Committee (Sen. Roers, Chairman) recommends **AMENDMENTS** ([25.0282.02001](#)) and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2098 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

2025 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2098

2025 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2098
3/6/2025

Relating to a state alert notice system; relating to the state's silver and blue alert notice systems.

8:55 a.m. Chairman Schauer opened the hearing.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Bahl, Brown, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff

Discussion Topics:

- Changes to the alert system
- Study language
- Proposed amendments relating to endangered individuals

8:55 a.m. Senator Larson, District 30, introduced the bill.

8:57 a.m. Sergeant Jenna Clawson Huibresgtse, North Dakota Highway Patrol, testified in favor and submitted testimony, #38944.

9:10 a.m. Steve Harstad, Chief Agent of the Bureau of Criminal Investigation, testified in favor.

9:15 a.m. Lisa Liken Monroe, private citizen, testified in favor and submitted testimony, #39198.

9:32 a.m. Travis Bateman, Founder and Director of Badlands Search and Rescue Volunteer Association of North Dakota, testified in favor and submitted testimony, #39140, #39141, #39142.

9:45 a.m. Tina Bay, Director of Developmental Disabilities Section with the Health and Human Services, provided neutral testimony in submitted testimony, #39071.

9:49 a.m. Chairman Schauer closed the hearing.

Jackson Toman, Committee Clerk

**69th Legislative Assembly**Testimony in **Support of****Senate Bill No. 2098****House Government and****Veterans Affairs Committee**

March 6, 2025

TESTIMONY OF

Sergeant Jenna Clawson Huibregtse

Good afternoon, Chairman Schauer, Vice Chairman Satrom, and members of the Government and Veterans Affairs Committee. My name is Jenna Clawson Huibregtse, and I proudly serve as a sergeant with the North Dakota Highway Patrol. My duties include operating as North Dakota's alerts coordinator. The alerts system consists of many entities including: local law enforcement, state radio, the watch center, BCI, Highway Patrol, Emergency Services.

The Highway Patrol thanks Senator Larson and Representative Heinert for sponsoring this important bill. North Dakota has three emergency alerts called AMBER, Blue, and Silver alerts.

The high-level overview:

AMBER Alert

1. Exist for abducted children who are 17 years of age or younger
2. Confirmation by local law enforcement of a stranger or family abduction in which the child is believed to be in grave danger serious bodily harm or death,
3. There is descriptive information about the child, abductor, and/or suspect's vehicle to assist with a safe recovery.

Blue Alert

1. An individual has threatened a law enforcement officer with a deadly weapon, has used a deadly weapon against a law enforcement officer, has caused a law enforcement officer to suffer serious bodily injury or death, or the officer has been abducted or is missing while on duty;
2. The individual has fled the scene of the offense and a description of the individual or the individual's vehicle is available for broadcast;
3. The law enforcement agency investigating the offense has determined the individual poses a threat to the public or other law enforcement personnel; and

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

Silver Alerts

1. The missing person involves a vulnerable adult as defined under NDCC 50-25.2-01 or vulnerable elderly adult, who is at least 65 years old, as defined under NDCC 12.1-31-07, who has been reported to law enforcement as missing.
2. The missing person involves a minor who has developmental disabilities, as defined under NDCC 25-01.2-01, who has been reported to law enforcement as missing.
3. There is descriptive information about the minor or adult and/or vehicle involved, to assist with the safe recovery of the person.
4. There is enough usable information about the person and/or vehicle to believe an immediate broadcast will provide the public with descriptive information to help locate the person or vehicle.

If you flip to a red and white handout I distributed to you, you will see a case study compiled by NDDES from the last Silver Alert. This includes a matrix showing what happens when an alert is requested by local law enforcement. When an individual is believed to meet criteria for an alert, the reporting local law enforcement agency fills out the request form and submits it by contacting State Radio. State Radio then works with local enforcement and the Watch Center to run verification checklists, gather intel, and begin notifications to the Highway Patrol, the Bureau of Criminal Investigation, and alerts group to start the vetting process.

Often there is further information that needs to be collected with the reporting law enforcement agency or with the family before an alert is issued. By doing this, we help locate many of the people in alert requests before they are issued out to the public. When an alert does not meet criteria, efforts to find the person do not cease at this time. We continue to assist the requesting law enforcement agency with launching a missing persons search, assist them in putting a local code red alert, use media and social media blasts, and more. Regardless of an alert being issued or not, local law enforcement agencies maintain control of a missing person case. The Highway Patrol and Bureau of Criminal Investigation's involvement stays at an alerts level and as an assisting agency in the missing persons search.

Any amendments that were made on the senate side were done after thorough conversations with Senator Larson, Representative Heinert, the Bureau of Criminal Investigation, and the impacted alerts group from North Dakota Department of Emergency Services.

Currently, alerts information exists in two locations. Silver and Blue alerts are in century code whereas the Amber alert exists by executive order only. This bill organizes the alerts into one section of century code. This bill also more clearly defines who qualifies for a silver alert.

When considering changes to the alerts century code, we must consider its origin. The alerts system was created to bring abducted children home via the Amber alert. The unfortunate truth is, each time an alert type is added or expanded we reduce the effectiveness of alerts due to people shutting their notifications off. While North Dakota enjoys a high success rate for public alerts, the catch 22 is the more alerts being sent, the less they are viewed.

More opt out of receiving alerts on their phone and tune out of the DOT road signs and news, reducing the overall effectiveness. The changes proposed today expand the discretion for law enforcement when finding missing endangered individuals, while maintaining a high standard of strict criteria.

Please consider these changes and I will stand for any questions. Thank you Chairman and the committee.

An **AMBER Alert** can be activated if it is believed that an immediate broadcast alert will help locate the child(ren) and/or suspect, and there is enough descriptive information about the child, the suspect and/or the suspect's vehicle to assist with the safe recovery of the victim and/or apprehension of the suspect as long as **BOTH** the following criteria are met:

AMBER ALERT

- The abducted child or children are 17 years of age or younger, AND
- There is confirmation by law enforcement of a stranger or a family abduction in which the child is believed to be in GRAVE DANGER of serious bodily harm or death.

A **Silver Alert** is activated if there is enough descriptive information about the missing person and/or vehicle to assist with the safe recovery of that person and **EITHER** of the following are met:

SILVER ALERT

- Is the missing person a vulnerable adult who meets and has a substantial functional or mental impairment?
 - **Substantial functional impairment** - a substantial incapability, because of physical limitations, of living independently or providing self-care as determined through observation, diagnosis, evaluation, or assessment.
 - **Substantial mental impairment** - a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, or ability to live independently or provide self-care as revealed by observation, diagnosis, evaluation, or assessment.
- Is the missing person a minor who has a developmental disability as outlined below?

Developmental disability – a severe, chronic disability of an individual which:

 - Is attributable to a mental or physical impairment or combination of mental and physical impairments, including Down syndrome;
 - Is manifested before the individual attains age twenty-two;
 - Is likely to continue indefinitely;
 - Results in substantial functional limitations in three or more of the following areas of major life activity:
 - Self-care
 - Self-direction
 - Receptive and expressive language
 - Learning
 - Economic sufficiency
 - Mobility
 - Capacity for independent living

Reflects the individual's needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated. Do you believe the subject is mobile and has left the immediate area?

A **Blue Alert** is activated if there is enough descriptive information to aid in the apprehension of an individual who is a suspect in an offense if **ALL** of the following are met:

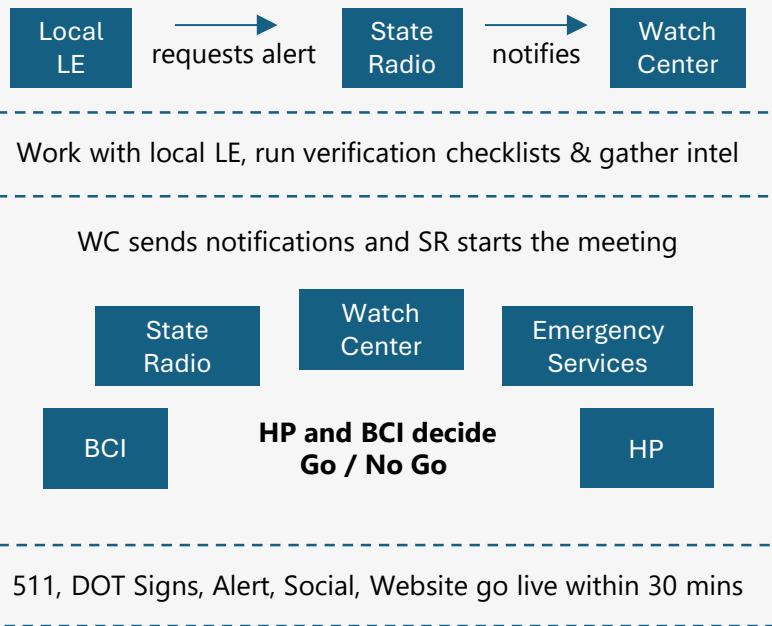
BLUE ALERT

- The individual has threatened a law enforcement officer with a deadly weapon, has used a deadly weapon against a law enforcement officer, has caused a law enforcement officer to suffer serious bodily injury or death, or the officer has been abducted or is missing while on duty;
- The individual has fled the scene of the offense and a description of the individual or the individual's vehicle is available for broadcast;
- Law enforcement investigating the offense has determined the individual poses a threat to the public or other law enforcement personnel; and
- Dissemination of available information to the public may help avert further harm or assist in the apprehension of the suspect.

Public Alerts

Did you know? ND enjoys a high success rate for public alerts. In 2024, nine people were located before activation and three were found safely after. Since the inception in 2018, ND has not experienced a Silver Alert in which the individual was not found.

What goes into an alert?



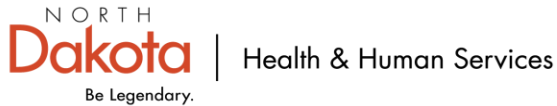
Case study

State Radio received an alert request by Minot Police Dept the evening of December 31st. From start to finish, all public communications were live in just 33 mins.

Schaefer was found alive in her vehicle the next morning by two Berthold area teens who were snowmobiling in the very rural area. 911 was called and Schaefer was taken to the hospital where she was monitored and treated for hypothermia.



The Catch 22 with public alerts: the more alerts being sent, the less they are viewed. More people opt out of receiving alerts on their phone and tune out of the DOT road signs and news, reducing the overall effectiveness.



Testimony
Engrossed Senate Bill No. 2098
House Government and Veterans Affairs Committee
Representative Austen Schauer, Chairman
March 6, 2025

Chairman Schauer, and members of the House Government and Veterans Affairs Committee, I am Tina Bay, Director of the Developmental Disabilities Section with the Department of Health and Human Services (Department). I appear before you to provide testimony on Engrossed Senate Bill No. 2098.

I would like to bring your attention to Section 1, page 2, lines 1 through 3, which refer to North Dakota Century Code section 25-01.2-01. The language specifically identifies a minor with developmental disabilities; however, North Dakota Century Code 25-01.2-01 includes both children and adults.

While Section 1, page 1, lines 19-21 reference a "disabled adult," the section of the Century Code cited does not define "disabled adult" but instead defines a "vulnerable adult." This discrepancy may create a gap in which an adult with a developmental disability does not meet the definition of a "vulnerable adult" and, as a result, would not meet the criteria for reporting a missing individual.

This issue could potentially leave certain adults with a developmental disability without the appropriate protections.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.

SENATE BILL 353

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Jeff Steinborn and Shannon D. Pinto

AN ACT

RELATING TO SEARCH AND RESCUE EMERGENCY RESPONSE; AMENDING THE
SEARCH AND RESCUE ACT; PROVIDING RESPONSE PROTOCOLS FOR
FEDERAL, STATE OR LOCAL AGENCIES WHEN NEW MEXICO SEARCH AND
RESCUE IS REQUIRED IN SEARCH AND RESCUE EMERGENCIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 24-15A-3 NMSA 1978 (being Laws 1978,
Chapter 107, Section 3, as amended) is amended to read:

"24-15A-3. DEFINITIONS.--As used in the Search and Rescue
Act:

A. "search and rescue" or "SAR" means the
employment, coordination and utilization of available resources
and personnel in locating, relieving the distress and
preserving the lives of and removing survivors from the site of
a disaster, emergency or hazard to a place of safety in the

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underscored material = new
[bracketed material] = delete

1 case of lost, stranded, entrapped or injured persons;

2 B. "board" means the state search and rescue review
3 board;

4 C. "AFRCC" means the air force rescue coordination
5 center, which is the federal agency responsible for
6 coordinating federal SAR activities within the inland region
7 pursuant to the national search and rescue plan;

8 D. "state SAR control agency" means the department
9 of public safety;

10 E. "state SAR mission initiator" means the New
11 Mexico state police officer so appointed and SAR trained;

12 F. "state SAR resource officer" means the official
13 located within the department of public safety responsible for
14 coordinating SAR resources and administering the state SAR
15 plan;

16 G. "field coordinator" means a person certified by
17 the board with special training and expertise responsible for
18 the efficient organization and conduction of a SAR mission;

19 H. "civil air patrol" means the civil air patrol
20 division of the department of military affairs and an air force
21 auxiliary responsible for coordinating air searches [which]
22 that are authorized by the AFRCC;

23 I. "mission" means each separate group effort in
24 the employment, direction and guidance of personnel and
25 facilities in searching for and rendering aid to persons lost

.229835.6

1 or in distress;

2 J. "chief" means the chief of the New Mexico state
3 police division of the department of public safety; ~~[and]~~

4 K. "director" means the director of the technical
5 and emergency support division of the department of public
6 safety; and

7 L. "SAR emergency" means an incident requiring
8 urgent SAR assistance."

9 SECTION 2. A new section of the Search and Rescue Act is
10 enacted to read:

11 "[NEW MATERIAL] SAR EMERGENCY RESPONSE PROTOCOL--
12 STANDARDIZED SEARCH AND RESCUE CRITERIA.--

13 A. The state SAR resource officer, in consultation
14 with local, state and federal emergency responders, shall
15 establish standardized criteria for notifying the state SAR
16 control agency of a SAR emergency.

17 B. The state SAR resource officer shall provide
18 training to personnel employed in emergency response, emergency
19 dispatch and public service access points for federal, state
20 and local agencies in the protocols for reporting a SAR
21 emergency.

22 C. Unless specified otherwise in a memorandum of
23 agreement between the state SAR control agency and the local
24 jurisdiction where a SAR emergency is located, a person
25 employed in emergency response, emergency dispatch or a public

.229835.6

1 service access point for a federal, state or local agency who
2 receives a request for aid shall promptly notify the state SAR
3 control agency by phone or other approved communication
4 technology of a potential need of state SAR personnel and
5 resources.

6 D. Notification to the state SAR control agency of
7 a SAR emergency shall not prevent the deployment of other
8 agencies' personnel or resources pursuant to a request for aid,
9 including fire departments, law enforcement agencies and
10 emergency medical services."

11 SECTION 3. A new section of the Search and Rescue Act is
12 enacted to read:

13 "[NEW MATERIAL] SAR EMERGENCY RESPONSE PROTOCOLS--
14 NOTIFICATION OF AGENCIES WITH RELEVANT EMERGENCY RESPONSE
15 JURISDICTION.--After being notified of a SAR emergency, the
16 state SAR control agency shall promptly notify the entity that
17 requested assistance and other appropriate jurisdictions,
18 including federal land management agencies if a SAR emergency
19 has occurred on its land, that state SAR personnel and
20 resources have been activated. If a decision is made not to
21 activate resources, the state SAR control agency shall notify
22 the entity that requested assistance that SAR resources have
23 not been deployed."

24 SECTION 4. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is January 1, 2026.

.229835.6

TO: NORTH DAKOTA LEGISLATURE-69TH LEGISLATIVE SESSION
RE: TESTIMONY IN FAVOR OF SENATE BILL 2098

3/6/2025

Chairman Schauer and committee members,

Good morning, my name is Travis Bateman, and I am here representing the Badlands Search & Rescue Service along with the Search and Rescue Volunteer Association of North Dakota. I am here before you today in favor of Senate Bill 2098 with input from someone that has been involved in field operations for missing persons cases and have several recommendations for this bill as we are of the belief that it can and should go further.

Regarding Silver Alerts, I wish to share with you two North Dakota stories of very similar circumstances but with two vastly different outcomes.

The first and most recent occurred at the end of 2024 and start of the new year in and near Minot. An elderly woman with diagnosed dementia named Faye Schaefer, 84 and her vehicle went missing. Weather conditions were typical for winter of that time of year. Her cellular phone was left at her home. Faye had become lost once before this instance but was located within the city of Minot and returned safely home.

This time around was different and the Minot Police through the state's response plan through BCI and the Highway Patrol issued a Silver Alert as her case fit the current criteria. Faye was known to not be dressed or prepared for the winter elements so time to locate her unharmed was ever so critical amidst falling temperatures, especially at night. January 1st, 2025, two young men were out snowmobiling when they had the extra wit about them to check out a vehicle that appeared to be stuck on a trail, in the snow. From what I gathered as they approached, they observed the driver door open and soon found Faye, cold, suffering from exposure to the elements, her vehicle out of fuel and therefore without heat.

These two young men didn't know it then, but they had just saved someone's life. Faye Schaefer was rescued and reunited with her family. In speaking with the family, given Faye's condition, she will no longer be allowed or able to drive and they are afforded the ability to take further steps in safeguarding her.

Now, let's go back to November 16th, 2023 to Bismarck. A very similar case, minus a physician diagnosis, a current requirement of the Silver Alert criteria at the time. Lloyd Liken, 81 years old and by all accounts, a hero medic of the US Army and the Vietnam War left for home after a dinner that night in

northeast Bismarck. Lloyd had become lost in the city twice before but was located by law enforcement and safely returned home. Like most folks in this state, Lloyd enjoyed his independence and but for these two instances of becoming lost while driving in the city, he functioned and did fine by all accounts from those that knew him. But, this third time, Lloyd got turned around and at some point traveled north on US83 to as far as Wilton so far as we are able to know. The reason we know that is because at about 1AM that night (now November 17th) a vigilant and proactive McLean County deputy sheriff out on patrol came upon what at the time

was Lloyd in his gold SUV, traveling southbound near Wilton. Lloyd was traveling 55 mph in a 65 mph zone. Which, at 1AM on a weekend night, certainly should draw the additional scrutiny from a cop on patrol. And it did, enough for the deputy to do a rolling license plate check on his computer. The vehicle came back clear and the deputy, eyeing what he was likely thinking may be an impaired driver, chose to take one last look by driving up alongside the vehicle in the passing lane where he observed it to be an elderly adult male. At that point, as can and usually is a typical response, it was shrugged off as “just an old guy” and the deputy, with no reasons to stop Lloyd as there was no violation and for this, no alert out for the vehicle yet, turned off and continued his patrol. Lloyd was reported missing at about 5PM on November 18th when his daughter and son-in-law went by his apartment to pick him up and discovered both him and his vehicle gone. Lloyd’s cell phone was left at home and his vehicle contained no factory or aftermarket technology for GPS or other location detection or tracking.

That was the one and only confirmed sighting of Lloyd Liken throughout the entire search for him. In the weeks to follow, Badlands SAR aided the family and his church in coordinating public search efforts where an immense number of citizens scoured roads, trails, waterways, cities, and towns from the South Dakota/North Dakota line to as far north as Kenmare and the Minot AFB. To the tune of 17,670.12 miles. Lloyd was nowhere to be found when winter came in and forced us to suspend search efforts.

On April 14, 2024, a landowner in Wells County located Lloyd’s gold SUV on his property, stuck in the mud and water in a shallow slough. He contacted authorities and when the license plate was given, it was confirmed to be Lloyd’s vehicle. Upon arrival, authorities searched the area of rolling hills, grazed or cut for hay, with no cover, otherwise open prairie, and they soon located Lloyd Liken, east of his vehicle about 500 yards, still wearing the clothing as described, at rest on his left side, with his right hand upon his face as though to try and shield from the cold winter wind. Lloyd went through everything he did in his life, in addition to combat in service to our nation, only to die alone on a cold and barren knoll in north central North Dakota.

That current system failed Lloyd Liken and we owe it to him to see that it be changed for the better, codified in state law for the next case, because there will be a next case.

Currently, the Silver Alert criteria has four qualifiers. And if even one is not checked off, the request is denied. Compared to other states reviewed, North Dakota has some of the most stringent criteria. We also are one of the states with the highest populations of seniors.

Criteria:

As of September 2023, the have criteria for North Dakota as;

A Silver Alert is activated if there is enough descriptive information about the missing person and/or vehicle to assist with the safe recovery of that person and EITHER of the following are met: -Substantial functional impairment-substantial incapability, because of physical limitations, of living independently or providing self-care as determined through observation, diagnosis, evaluation, or assessment. -Substantial mental impairment-a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgement, behavior, or ability to live independently or provide self-care as revealed by observation, diagnosis, evaluation, or assessment.

Now, I am aware that as of late 2024 that the NDDDES has changed the criteria per notes from the North Dakota 911 Association and NDDDES documents obtained. This does not negate the fact that the state law needs to be changed to reflect that. The current verbiage and practice failed Lloyd Liken, when under the circumstances presented for that case, it should not have. A Silver Alert should have been issued for him, period and that request was denied as it was told that he had not been diagnosed by a physician to have dementia or Alzheimer's. That was it. Lloyd not having a diagnosis from a physician was the determining factor as to why the public and law enforcement beyond Bismarck Police was not alerted to aid in looking out for him and his vehicle. All other criteria was there. Photos of him, his vehicle, even the tire tread was available. Would it still have been helpful given the time delay in him driving from dinner to his family going by and realizing he was missing, we will never know. However, an alert put out can be so beneficial, whether it be a person actively observing the missing in real time or an alert being issued and jogging the memory of an observant citizen or public safety member.

We owe it to our fellow citizens, our elderly, our seniors, our elders. We owe it to those within the Autism spectrum and other developmental disabilities, to do everything we can to adequately alert anyone and everyone to be on the lookout for them within reason and within a determined geographical area based on data and applicable information at hand (such as on foot or by vehicle with a full tank of fuel) to bring about the absolute best efforts in locating them safely and alive.

The clock is ticking and often when notified we are already racing against it with little to no chance of closing the gap. Our state has harsh weather extremes, unforgiving terrain, vast areas with no human activity or frequency, and endless challenges when there is a search without a defined and contained search area. A Silver Alert that is not restricted or so selective as to have something of a requirement like a physician's diagnosis does nothing but work against the outcome of these cases.

Every case is unique for a variety of circumstances but with an alert that has acceptable qualifiers to fit the human profiles, that is what is needed.

The Silver Alert, Amber Alert, Blue Alert of North Dakota and others still as established in other states save lives and give each person missing a far greater chance of being located and returned alive than located and dead.

Some input for wording in the current bill draft:

Lines 11-12, along with individual's vehicle description, there needs to be added: the individual's physical appearance, clothing, or other identification factors to the extent known.

Lines 18-21. The definition of a vulnerable adult still does NOT work should the same situation as that of Lloyd Liken occur again for someone else. The state's definition of a vulnerable adult is "an adult who has a substantial mental or functional impairment." Add "suspected of" and that would help. The current definition alone would still require diagnosis by a physician in our interpretation and as was the case for denying a Silver Alert in Lloyd's case.

Recommended wording for criteria to amend and include in the NDCC, not just in policy, but in the NDCC :

- He or she went missing while in North Dakota;
- The missing person is 60 years of age or older;
- Confirmation law enforcement has received a signed statement from a family member, close friend, caregiver, doctor or person at a medical facility that verifies the endangered person has an impaired mental condition;
- The subject's disappearance poses a credible threat to the safety and health of the person.
- Alert MUST be issued within two hours of request from investigating agency:
- Place a time requirement of TWO hours from time of request to time of approval/denial of an alert request. (I have been told by some in law enforcement that it has taken upwards of three to four hours for an alert to be issued on past cases. Depending on where the missing person is out of and if a vehicle is involved, three to four hours could very well put that person out of state in addition to simply creating an exceptionally large search area, such as was the case with Lloyd Liken.)

Social media also needs to be embraced more as a whole. Like it or not, it is the absolute fastest and best source for mass notification due to the number of followers to agency pages and in general. Agencies also need to help one another and share their posts (ex. PD has a missing case, the Sheriff page needs to also share it, as do the state agencies). The more it is posted and out in the public view, the better the chance for someone seeing the missing or recalling having seen them.

There is another bill coming to you for establishing a missing or endangered indigenous person alert. This would add a fourth alert in North Dakota and follows other states working to aid in those case types.

We should not worry about “too many” alerts and people silencing them on their mobile devices. That cannot be helped. Our position is that it is better to put out an alert than to not. There are other states with larger populations than North Dakota and more missing persons cases than North Dakota that have up to SEVEN different alert types for several different category types. Alerts can be established for specific areas or regions as well. The alerts do not always have to go statewide.

This bill does not seek to address this, but it is important to mention that we also recommend for any missing person case that law enforcement agencies adopt and follow the North Dakota Attorney General’s Missing Person Policy ([link below](#)). A uniform approach to missing person cases is needed to help in these events. The approach or policy currently varies too much from agency to agency. Time is of the essence and in a state where we are colder more often than not, our winters have claimed far too many of our missing elderly members specifically. I personally know of four now, three fatal and one rescue (Faye Schaefer) for mobile elderly with dementia.

Our organization is a private sector, nonprofit and we also would like to see that be embraced like it is worded in so many agency and government documents, yet as far as our findings show, it is still entirely made up of government entities that look at situations and often many of the listed entities have little to nothing to do with search efforts in the field.

Please pass Senate Bill 2098 to correct the current law, the criteria, time limit for alert issuance, and bolster the impact of these alerts as brought forth to you this session. This bill is certainly a step in the right direction, but more work remains but the efforts and statements in favor of this today are spot on.

This bill and what it seeks to improve is just one of a laundry list of issues needing to be addressed in response to missing persons cases and specifically the search efforts and operations that take place during them. There is a great deal that can and should be done better. SB 2098 will fix this specific concern for the better.

Thank you for very much for the opportunity to speak before you today and I stand for any questions that you may have of me.

Respectfully,

Travis F. Bateman

Travis F. Bateman
Director / Founder
Badlands Search & Rescue
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(W)- www.badlandsSAR.org
(S) www.facebook.com/badlandsSAR

North Dakota Attorney General Missing Person Policy:
<https://attorneygeneral.nd.gov/wp-content/uploads/2022/11/missingpersonpolicy.pdf>



TO: NORTH DAKOTA LEGISLATURE-69TH LEGISLATIVE SESSION

RE: **TESTIMONY IN FAVOR OF SENATE BILL 2098**

1/16/2025

Senator Roers and committee members,

Good morning, my name is Travis Bateman and I am here representing the Badlands Search & Rescue Service along with the Search and Rescue Volunteer Association of North Dakota. I am here before you today in favor of Senate Bill 2098 but have several recommendations for this bill as we are of the belief that it can and should go further.

Regarding Silver Alerts, I wish to share with you two North Dakota stories of very similar circumstances but with two very different outcomes.

The first and most recent occurred at the end of 2024 and start of the new year in and near Minot. An elderly woman with diagnosed dementia named Faye Schaefer, 84 and her vehicle went missing. Weather conditions were typical for winter of that time of year. Her cellular phone was left at her home. Faye had become lost once before this instance but was located within the city of Minot and returned safely home.

This time around was different and the Minot Police through the state's response plan through BCI and the Highway Patrol issued a Silver Alert as her case fit the current criteria. Faye was known to not be dressed or prepared for the winter elements so time to locate her unharmed was ever so critical amidst falling temperatures, especially at night. January 1st, 2025, two young men were out snowmobiling when they had the extra wit about them to check out a vehicle that appeared to be stuck on a trail, in the snow. From what I gathered as they approached they observed the driver door open and soon found Faye, cold, suffering from exposure to the elements, her vehicle out of fuel and therefore without heat. These two young men didn't know it then, but they had just saved someone's life. Faye Schaefer was rescued and reunited with her family. In speaking with the family, given Faye's condition, she will no longer be allowed or able to drive and they are afforded the ability to take further steps in safeguarding her.

Now, let's go back to November 16th, 2023 to Bismarck. A very similar case, minus a physician diagnosis, a current requirement of the Silver Alert criteria at the time. Lloyd Liken, 81 years old and by all accounts, a hero medic of the US Army and the Vietnam War left for home after a dinner that night in northeast Bismarck. Lloyd had become lost in the city twice before but was located by law enforcement and safely returned home. Like most folks in this state, Lloyd enjoyed his independence and but for these

two instances of becoming lost while driving in the city, he functioned and did fine by all accounts from those that knew him. But, this third time, Lloyd got turned around and at some point traveled north on US83 to as far as Wilton so far as we are able to know. The reason we know that is because at about 1AM that night (now November 17th) a vigilant and proactive McLean County deputy sheriff out on patrol came upon what at the time was Lloyd in his gold SUV, traveling southbound near Wilton. Lloyd was traveling 55 mph in a 65 mph zone. Which, at 1AM on a weekend night, certainly should draw the additional scrutiny from a cop on patrol. And it did, enough for the deputy to do a rolling license plate check on his computer. The vehicle came back clear and the deputy, eyeing what he was likely thinking may be an impaired driver, chose to take one last look by driving up alongside the vehicle in the passing lane where he observed it to be an elderly adult male. At that point, as can and usually is a typical response, it was shrugged off as “just an old guy” and the deputy, with no reasons to stop Lloyd as there was no violation and for this, no alert out for the vehicle yet, turned off and continued his patrol. Lloyd was reported missing at about 5PM on November 18th when his daughter and son-in-law went by his partment to pick him up and discovered both him and his vehicle gone. Lloyd’s cell phone was left at home and his vehicle contained no factory or aftermarket technology for GPS or other location detection or tracking.

That was the one and only confirmed sighting of Lloyd Liken throughout the entire search for him. In the weeks to follow, Badlands SAR aided the family and his church in coordinating public search efforts where an immense number of citizens scoured roads, trails, waterways, cities, and towns from the South Dakota/North Dakota line to as far north as Kenmare and the Minot AFB. To the tune of 17,670.12 miles. Lloyd was nowhere to be found when winter came in and forced us to suspend search efforts.

On April 14, 2024, a landowner in Wells County located Lloyd’s gold SUV on his property, stuck in the mud and water in a shallow slough. He contacted authorities and when the license plate was given, it was confirmed to be Lloyd’s vehicle. Upon arrival, authorities searched the area of rolling hills, grazed or cut for hay, with no cover, otherwise open prairie, and they soon located Lloyd Liken, east of his vehicle about 500 yards, still wearing the clothing as described, at rest on his left side, with his right hand upon his face as though to try and shield from the cold winter wind. Lloyd went through everything he did in his life, in addition to combat in service to our nation, only to die alone on a cold and barren knoll in north central North Dakota.

That current system failed Lloyd Liken and we owe it to him to see that it be changed for the better, codified in state law for the next case, because there will be a next case.

Currently, the Silver Alert criteria has four qualifiers. And if even one is not checked off, the request is denied. Compared to other states reviewed, North Dakota has some of the most stringent criteria. We also are one of the states with the highest populations of seniors.

Criteria:

As of September 2023, the have criteria for North Dakota as;

A Silver Alert is activated if there is enough descriptive information about the missing person and/or vehicle to assist with the safe recovery of that person and EITHER of the following are met:

-Substantial functional impairment-asubstantial incapability, because of physical limitations, of living independently or providing self-care as determined through observation, diagnosis, evaluation, or assessment.

-Substantial mental impairment-a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgement, behavior, or ability to live independently or provide self-care as revealed by observation, diagnosis, evaluation, or assessment.

Now, I am aware that as of late 2024 that the NDDES has changed the criteria per notes from the North Dakota 911 Association and NDDES documents obtained. This does not negate the fact that the state law needs to be changed to reflect that. The current verbage and practice failed Lloyd Liken, when under the circumstances presented for that case, it should not have. A Silver Alert should have been issued for him, period and that request was denied as it was told that he had not been diagnosed by a physician to have dementia or Alzheimer's. That was it. Lloyd not having a diagnosis from a physician was the determining factor as to why the public and law enforcement beyond Bismarck Police was not alerted to aid in looking out for him and his vehicle. All other criteria was there. Photos of him, his vehicle, even the tire tread was available. Would it still have been helpful given the time delay in him driving from dinner to his family going by and realizing he was missing, we will never know. However, an alert put out can be so beneficial, whether it be a person actively observing the missing in real time or an alert being issued and jogging the memory of an observant citizen or public safety member.

We owe it to our fellow citizens, our elderly, our seniors, our elders. We owe it to those within the Autism spectrum and other developmental disabilities, to do everything we can to adequately alert anyone and everyone to be on the lookout for them within reason and within a determined geographical area based on data and applicable information at hand (such as on foot or by vehicle with a full tank of fuel) to bring about the absolute best efforts in locating them safely and alive.

The clock is ticking and often times when notified we are already racing against it with little to no chance of closing the gap. Our state has harsh weather extremes, unforgiving terrain, vast areas with no human activity or frequency, and endless challenges when there is a search without a defined and contained search area. A Silver Alert that is not restricted or so selective as to have something of a requirement like a physician's diagnosis does nothing but work against the outcome of these cases. Every case is unique for a variety of circumstances but with an alert that has acceptable qualifiers to fit the human profiles, that is what is needed.

The Silver Alert, Amber Alert, Blue Alert of North Dakota and others still as established in other states save lives and give each person missing a far greater chance of being located and returned alive than located and dead.

Some input for wording in the current bill draft:

Lines 11-12, along with individual's vehicle description, there needs to be added: the individual's physical appearance, clothing, or other identification factors to the extent known.

Lines 18-21. The definition of a vulnerable adult still does NOT work should the same situation as that of Lloyd Liken occur again for someone else. The state's definition of a vulnerable adult is "an adult who has a substantial mental or functional impairment." Add "suspected of" and that would help. The current definition alone would still require diagnosis by a physician in our interpretation and as was the case for denying a Silver Alert in Lloyd's case.

Recommended wording for criteria to amend and include in the NDCC, not just in policy, but in the NDCC :

- He or she went missing while in North Dakota;
- The missing person is 60 years of age or older;
- Confirmation law enforcement has received a signed statement from a family member, close friend, caregiver, doctor or person at a medical facility that verifies the endangered person has an impaired mental condition;

- The subject's disappearance poses a credible threat to the safety and health of the person.
- Alert MUST be issued within two hours of request from investigating agency:
- Place a time requirement of TWO hours from time of request to time of approval/denial of an alert request. (I have been told by some in law enforcement that it has taken upwards of three to four hours for an alert to be issued on past cases. Depending on where the missing person is out of and if a vehicle is involved, three to four hours could very well put that person out of state in addition to simply creating an exceptionally large search area, such as was the case with Lloyd Liken.)

Social media also needs to be embraced more as a whole. Like it or not, it is the absolute fastest and best source for mass notification due to the number of followers to agency pages and in general. Agencies also need to help one another and share their posts (ex. PD has a missing case, the Sheriff page needs to also share it, as do the state agencies). The more it is posted and out in the public view, the better the chance for someone seeing the missing or recalling having seen them.

There is another bill coming to you for establishing a missing or endangered indigenous person alert. This would add a fourth alert in North Dakota and follows other states working to aid in those case types.

We should not worry about "too many" alerts and people silencing them on their mobile devices. That cannot be helped. Our position is that it is better to put out an alert than to not. There are other states with larger populations than North Dakota and more missing persons cases than North Dakota that have up to SEVEN different alert types for several different category types. Alerts can be established for specific areas or regions as well. The alerts do not always have to go statewide.

This bill does not seek to address this, but it is important to mention that we also recommend for any missing person case that law enforcement agencies adopt and follow the North Dakota Attorney General's Missing Person Policy (link below). A uniform approach to missing person cases is needed to help in these events. The approach or policy currently varies too much from agency to agency. Time is of the essence and in a state where we are colder more often than not, our winters have claimed far too many of our missing elderly members specifically. I personally know of four now, three fatal and one rescue (Faye Schaefer) for mobile elderly with dementia.

Our organization is a private sector, nonprofit and we also would like to see that be embraced like it is worded in so many agency and government documents, yet as far as our findings show, it is still entirely made up of government entities that look at situations and often many of the listed entities have little to nothing to do with search efforts in the field.

Please pass Senate Bill 2098 to correct the current law, the criteria, time limit for alert issuance, and bolster the impact of these alerts as brought forth to you this session. This bill is certainly a step in the right direction but more work remains but the efforts and statements in favor of this today are spot on.

Thank you for very much for the opportunity to speak before you today and I stand for any questions that you may have of me.

Respectfully,


Travis F. Bateman

Travis F. Bateman
 Director / Founder
 Badlands Search & Rescue
 Search And Rescue Volunteer Association of North Dakota
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 (S) www.facebook.com/badlandsSAR

BISMARCK POLICE DEPARTMENT & BADLANDS SAR FLIERS FOR LLOYD LIKEN
(PUBLIC INFORMATION COMPARISONS:)

MISSING PERSON


Lloyd Liken
81 years old, White Male,
6-0, 200 lbs, grey hair, blue eyes




745 BMN

Mr. Liken was last seen leaving the 4400 Blk of Turnbow Lane in his gold Toyota Highlander on November 16th, 2023, at around 8:00 p.m. Mr. Liken does not have a phone and his clothing description is unknown. He has gotten lost twice recently and was located by law enforcement. Currently any medical conditions are unknown. Mr. Liken does not meet the criteria for a Silver Alert.

If you have any information concerning Mr. Liken, please contact the **Bismarck Police Department** at **701-223-1212**. Or your local law enforcement agency.




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ACTUAL VEHICLE-FRONT



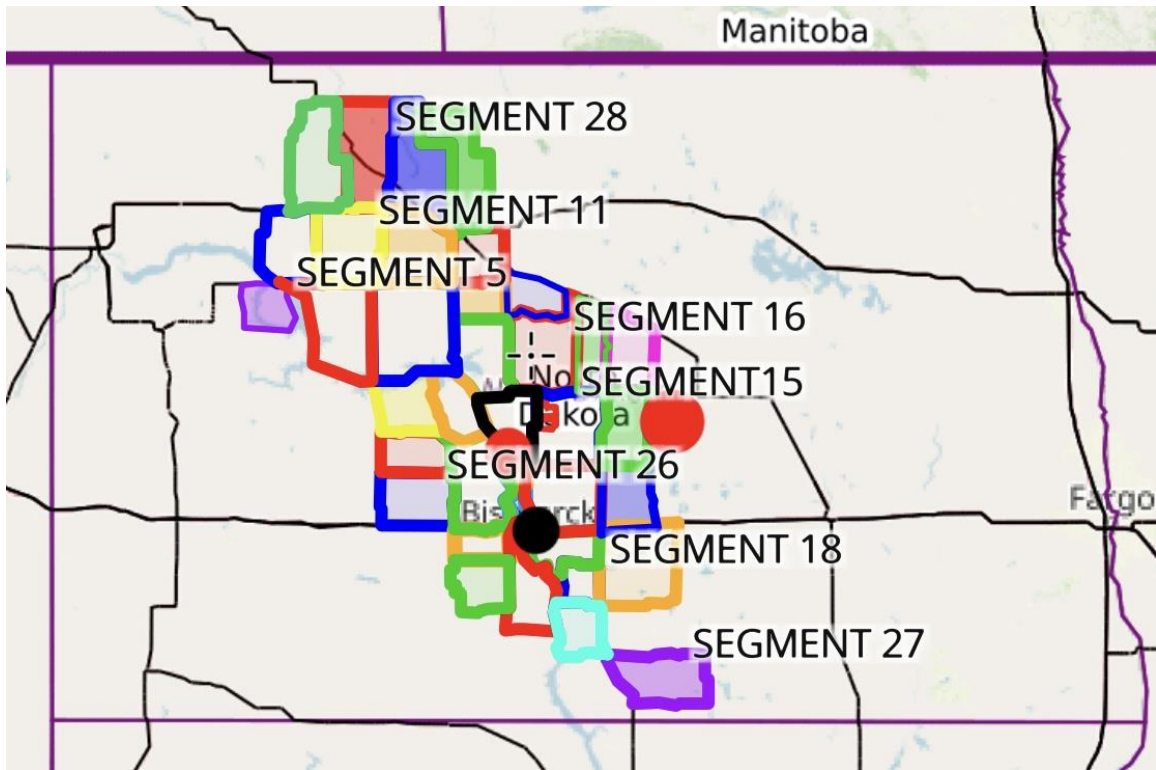
ACTUAL VEHICLE-SIDE



ACTUAL VEHICLE-REAR

745 BMN

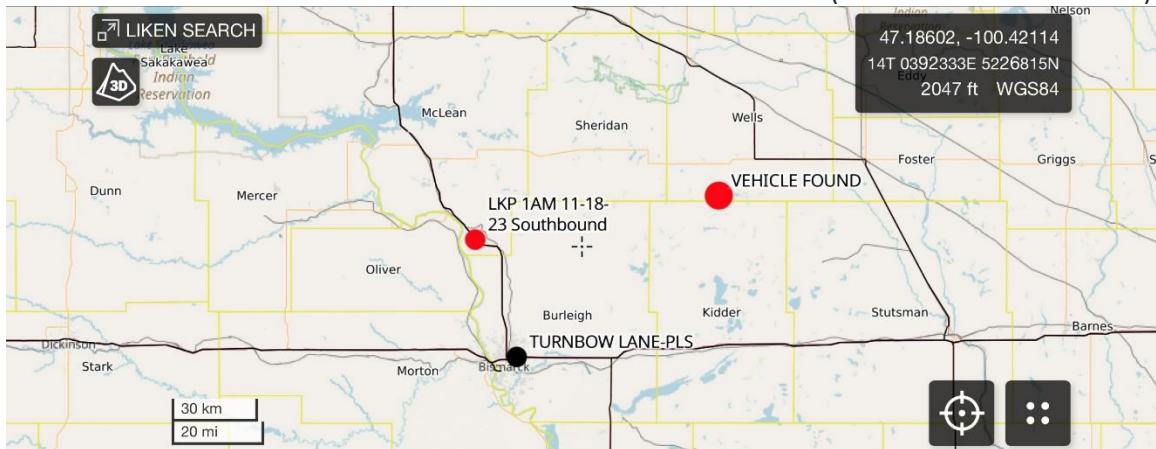
BADLANDS SAR SEGMENTS FOR PUBLIC SEARCH OF LLOYD LIKEN:



BADLANDS SAR MAPPING: LLOYD LIKEN CASE

PLS-POINT LAST SEEN / LKP-LAST KNOWN POINT

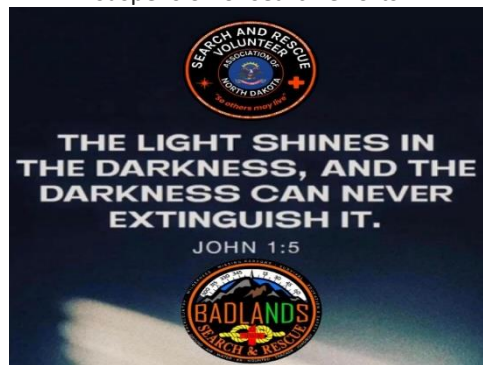
LLOYD WAS APPROXIMATELY 96-100 MILES FROM PLS IN BISMARCK (STRAIGHT LINE DISTANCE)



LLOYD LIKEN'S VEHICLE AS FOUND APRIL 2024 (Photos provided by Lloyd Liken's Family)



Approximately $\frac{3}{4}$ of a mile from nearest public road, out of view on private land.
 Nine miles east of the last search segment done during public search before winter weather forced suspension of search efforts.



John 1:5, the darkness is the missing person cases. The light shown upon it to extinguish the dark is improved response, adequate search implementation, and use of trained and skilled resources through public and private partnerships unified with one goal in mind: get out and find our missing.

Testimony on SB2098
Government and Veterans Affairs Committee
Lisa Liken Monroe
March 6, 2025

Chairman Schauer and members of the Government and Veterans Affairs Committee, thank you for the opportunity to provide testimony regarding changes to the Silver Alert notification system as defined in Senate Bill 2098.

My name is Lisa Liken Monroe, and I am the daughter of Lloyd Liken, a Vietnam War veteran, a medic, who went missing on the evening of Thursday, November 16, 2023, after attending a church supper. The experiences I'm about to share with you have motivated me to become an advocate for expansion of the Silver Alert eligibility criteria.

• _____ •

The newspapers piled up at the front door of Dad's apartment were one of the first signs something was very wrong. My husband Chad and I found the papers when we went to pick up Dad for supper and the symphony on the evening of Saturday, November 18, 2023. That evening was the beginning of five months of living hell for the two of us and our family and friends.

When we realized Dad was missing, one of our first actions was to request that a Silver Alert be issued. It was a devastating blow to our family to find out Dad did not qualify because he did not have a medical diagnosis of dementia or Alzheimer's. We had recently learned that on two occasions law enforcement officers had helped him find his way home, but even that did not qualify him for a Silver Alert.

When Dad told us he had received assistance from law enforcement, he attributed it to problems with his night vision or problems that were a result of injuries sustained in Vietnam. We talked to him about the possibility that getting confused while driving was a sign of dementia, but he reassured us he was fine. He must have been in denial at that time, but he

had never given us any reason to believe what he said to us was anything less than 100 percent true.

Soon after, we learned our concerns were valid. When Dad disappeared that Thursday evening, dementia was the obvious reason, but, as I mentioned, it had not yet been diagnosed by a doctor.

Without the Silver Alert to support our efforts, Chad and I and some friends began a desperate search, driving day and night, looking in all the places he might likely go. Then we reached out for assistance, and what was to become an aggressive search process was soon underway.

With direction from the Badlands Search and Rescue Service, dozens of volunteers panned out in Bismarck and Mandan, soon stretching farther out into surrounding counties and to specific areas of the state where possible sightings were being reported. Volunteers also reported in from Montana, South Dakota and Minnesota.

Shortly after the formal search began, we received some staggering news. In the early morning hours of Friday, November 17 – before Chad and I even knew Dad was missing – a McLean County deputy sheriff spotted Dad traveling southbound on US Highway 83 near Wilton. Dad was driving slowly, but his driving was not erratic and, according to state law, that did not provide justifiable cause for the deputy to stop him. It was difficult for us to learn about this “what if” moment, but it was also reassuring to know where Dad had been and, most importantly, that he was alive and well at that point.

Chad and I want you to know that law enforcement officers assisted us in the search wherever and whenever possible. We greatly appreciate the assistance provided by many city, county, state and tribal agencies. I do, however, want to commend one office in particular. Even though McLean County is the largest county in our state, the Sheriff’s Office traveled every single road in the county, looking for Dad. As our team of volunteers continued to search, the sheriff assured us Dad was not in McLean County, and volunteer search efforts could be best utilized elsewhere.

And so the search continued. By car, by boat, by plane and even using drones – we worked as a team to search every possible field, body of water, dead-end road and gulley. Badlands Search and Rescue used mapping software to create a detailed search map that allowed volunteers to opt in on an app on their phones. Then at the end of the day, Badlands Search and Rescue tracked and recorded the movement of every single volunteer, ensuring our efforts were thorough, but not duplicated. Just counting the searches recorded on this app, our dedicated team of volunteers logged more than 15,000 miles, committing their own time and resources to search for Dad! This total of 15,000 miles does not include volunteers who searched without the app and many people who followed “Looking for Lloyd Liken” on Facebook, then paid close attention to their surroundings and reported travel in North Dakota and beyond in our Facebook page comment section.

Our efforts were also supported by local media outlets that ran many stories about the search and billboards in the Bismarck area and beyond that raised awareness Dad was missing. Search volunteers posted flyers wherever they could find a bare spot on a business window in the towns they searched and in gas stations and convenience stores close to highways and on the interstate.

Whether we were talking to a farmer or a rancher we met along a county road, to a rural family that answered a knock on their door or to a group of people at a local coffee shop – search members were asked the same question over and over again:

WHY HASN'T THERE BEEN A SILVER ALERT FOR THIS MISSING MAN???

The answer was always the same. Sadly, he did not qualify.

Our search continued into December until the point when Chad and I became concerned about the safety of the compassionate men and women who had given so much to help us find Dad. So we suspended the search due to the weather. December, January, February, March and April – the winter stretched on, long and full of heartache. Our days were filled with “where” and “what-if” questions. If a Silver Alert had gone out, would Dad still be with

us? We kept our sanity by developing plans to renew the search as soon as the weather allowed.

And finally one day, we got the answer we so badly needed. It wasn't the answer we wanted, but we could finally lay Dad to rest. His frozen body was found near his vehicle on April 14, 2024, when a farmer checked his fields in Wells County.

It would be easy to let this immeasurable grief take over our lives, but Chad and I are doing our best to follow Dad's example and live life to the fullest. We're also committed to fulfilling a promise we made to ourselves soon after finding out Dad was ineligible for a Silver Alert. That promise was to do everything in our power to broaden North Dakota's Silver Alert search criteria so that senior citizens like Dad don't fall through the cracks ever again and to do everything in our power to spare other families from the misery and grief Chad and I have endured.

• _____ •

Chairman Schauer and members of the Government and Veterans Affairs Committee, thanks again for allowing me to share this experience with you. I respectfully ask you to vote "do pass" on Senate Bill 2098.

That concludes my testimony, but I am available to answer any questions you have.

2025 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2098

3/7/2025

Relating to a state alert notice system; relating to the state's silver and blue alert notice systems.

10:48 a.m. Chairman Schauer opened the meeting.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Brown, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff
Members absent: Representative Bahl

Discussion Topics:

- Committee action
- definition of individual

10:50 a.m. Representative VanWinkle moved to amend the bill relating to changing minor to individual.

10:50 a.m. Representative Grindberg seconded the motion.

10:50 a.m. Voice vote passed.

10:50 a.m. Representative VanWinkle moved a Do Pass as amended.

10:50 a.m. Representative Grindberg seconded the motion.

Representatives	Vote
Representative Austen Schauer	Y
Representative Bernie Satrom	Y
Representative Landon Bahl	AB
Representative Collette Brown	Y
Representative Karen Grindberg	Y
Representative Karen Karls	Y
Representative Carrie McLeod	Y
Representative Karen Rohr	Y
Representative Mary Schneider	Y
Representative Vicky Steiner	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y
Representative Christina Wolff	Y

10:51 a.m. Motion passed 12-0-1.

Representative Schneider will carry the bill.

10:51 a.m. Chairman Schauer closed the meeting.
Jackson Toman, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED SENATE BILL NO. 2098

Introduced by

Senator Larson

Representative Heinert

MB
3/7/25
1 of 3

- 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:

- 1 a. A disabled adult or elderly vulnerable adult as defined in section 50-25.2-01 who
2 has disappeared and whose disappearance has been reported to law
3 enforcement;
- 4 b. ~~A minor~~An individual who has a developmental disability as defined in section
5 25-01.2-01 who has disappeared and whose disappearance has been reported
6 to law enforcement; or
- 7 c. An elderly adult who has disappeared, whose disappearance has been reported
8 to law enforcement and the disappearance:
- 9 (1) Indicates the individual is believed to be in grave danger of serious bodily
10 harm or death, as determined by a law enforcement agency and either the
11 highway patrol or bureau of criminal investigation, based on a report
12 received from the missing adult's family member or an individual who has
13 significant frequent contact with the missing adult, which contains sufficient
14 evidence of the imminent risk;
- 15 (2) Warrants a silver alert notice activation due to the particular circumstances,
16 as determined by a law enforcement agency and either the highway patrol
17 or bureau of criminal investigation, based on a report received from the
18 missing adult's family member or an individual who has significant frequent
19 contact with the missing adult, which contains sufficient evidence that the
20 particular circumstances warrant a silver alert notice activation.
- 21 4. "Silver alert notice" means an urgent bulletin using the emergency alert system to air a
22 description of a missing individual to aid in the location of that individual.

23 **Alert notice system activation.**

- 24 1. A law enforcement agency may request the bureau of criminal investigation or the
25 superintendent of the highway patrol to activate an amber alert notice, a blue alert
26 notice, or a silver alert notice.
- 27 2. The bureau of criminal investigation, in cooperation with the highway patrol, shall
28 prepare an operational plan to prepare for and respond to requests for activation of an
29 amber alert notice, a blue alert notice, or a silver alert notice. The plan must include
30 the role and requirements of the division of state radio of the department of emergency
31 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.

**REPORT OF STANDING COMMITTEE
ENGROSSED SB 2098**

Government and Veterans Affairs Committee (Rep. Schauer, Chairman) recommends **AMENDMENTS** ([25.0282.03001](#)) and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). SB 2098 was placed on the Sixth order on the calendar.