

HB5 INTRODUCED



1 HB5
2 KBCKAU-1
3 By Representative Givan
4 RFD: Public Safety and Homeland Security
5 First Read: 06-Feb-24
6 PFD: 01-Dec-23



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SYNOPSIS:

Under existing federal law, the AMBER Alert System sends an alert to assist in the recovery of a child under 17 years of age who a law enforcement agency believes has been abducted and is in imminent danger of serious bodily injury or death.

Under existing state law, the Missing and Endangered Persons Alert Act sends an alert when the Alabama State Law Enforcement Agency believes an individual has been abducted and has a reasonable belief that the individual is at risk of bodily harm or death.

This bill would create an Ebony Alert System to send an alert to assist in the recovery of a Black youth, including a young woman or girl, under certain circumstances.

A BILL
TO BE ENTITLED
AN ACT

Relating to public safety; to create an Ebony Alert System to send an alert to assist in the recovery of a Black youth, including a young woman or girl, under certain



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29 circumstances.

30 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

31 Section 1. (a) For purposes of this section, "Ebony
32 Alert" means a notification system, activated pursuant to
33 subsection (b), designed to issue and coordinate alerts for
34 Black youth, including young women and girls, who are reported
35 missing under unexplained or suspicious circumstances.

36 (b) (1) If a person is reported missing to a law
37 enforcement agency and that agency determines that the
38 requirements of subsection (c) are met, the law enforcement
39 agency may request the Alabama State Law Enforcement Agency to
40 activate an Ebony Alert.

41 (2) If the Alabama State Law Enforcement Agency concurs
42 that the requirements of subsection (c) have been met, it
43 shall activate an Ebony Alert within the appropriate
44 geographical area requested by the investigating law
45 enforcement agency.

46 (3) Radio, television, cable, satellite, and social
47 media systems are encouraged to cooperate with disseminating
48 the information contained in an Ebony Alert.

49 (4) Upon activation of an Ebony Alert, the Alabama
50 State Law Enforcement Agency shall assist the investigating
51 law enforcement agency by issuing a be-on-the-lookout alert,
52 an electronic flyer, or changeable message signs in compliance
53 with subdivision (5).

54 (5) Upon activation of an Ebony Alert, the Alabama
55 State Law Enforcement Agency may use a changeable message sign
56 if both of the following conditions are met:



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57 a. A law enforcement agency determines that a vehicle
58 may be involved in the missing person incident.

59 b. Specific identifying information about the vehicle
60 is available for public dissemination.

61 (c) A law enforcement agency may request that an Ebony
62 Alert be activated if that agency determines that an Ebony
63 Alert would be an effective tool in the investigation of
64 missing Black youth, including a young woman or girl, after
65 considering the following factors:

66 (1) The missing person is between 12 to 25 years of
67 age.

68 (2) The missing person suffers from a mental or
69 physical disability.

70 (3) The person is missing under circumstances that
71 indicate any of the following:

72 a. The missing person's physical safety may be
73 endangered.

74 b. The disappearance of the missing person may not have
75 been voluntary, including an abduction or kidnapping.

76 c. The missing person may be subject to trafficking.

77 (4) The law enforcement agency determines that the
78 person has gone missing under unexplained or suspicious
79 circumstances.

80 (5) The law enforcement agency believes any of the
81 following:

82 a. The person is in danger because of age, health,
83 mental or physical disability, or environmental or weather
84 related conditions.



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85 b. The person is in the company of a potentially
86 dangerous person.

87 c. There are other factors indicating that the person
88 may be in peril.

89 (6) The investigating law enforcement agency has
90 utilized available local resources.

91 (7) There is information available that, if
92 disseminated to the public, could assist in the safe recovery
93 of the missing person.

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