

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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HOUSE BILL 478  
Committee Substitute Favorable 4/2/03  
Senate Health & Human Resources Committee Substitute Adopted 5/28/03

Short Title: AMBER Alert.

(Public)

Sponsors:

Referred to:

March 13, 2003

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE LAW REGARDING THE NORTH CAROLINA CHILD  
3 ALERT NOTIFICATION (NC CAN) SYSTEM AND TO RENAME THAT  
4 SYSTEM THE AMBER ALERT SYSTEM.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 143B-499.1 reads as rewritten:

7 "**§ 143B-499.1. Dissemination of missing persons data by law-enforcement**  
8 **agencies.**

9 A law-enforcement agency, upon receipt of a missing person report by a parent,  
10 spouse, guardian, or legal custodian, shall immediately make arrangements for the entry  
11 of data about the missing person or missing child into the national missing persons file  
12 in accordance with criteria set forth by the FBI/NCIC, immediately inform all of its  
13 on-duty law-enforcement officers of the missing person report, initiate a statewide  
14 broadcast to all appropriate law-enforcement agencies to be on the lookout for the  
15 individual, and transmit a copy of the report to the Center.

16 If the report involves a missing child and the report meets the criteria established in  
17 G.S. 143B-499.7(b), as soon as practicable after receipt of the report, the law  
18 enforcement agency shall notify the Center and the National Center for Missing and  
19 Exploited Children of the relevant data about the missing child."

20 **SECTION 2.** G.S. 143B-499.2 reads as rewritten:

21 "**§ 143B-499.2. Responsibilities of Center.**

22 The Center shall:

- 23 (1) Assist local law-enforcement agencies with entering data about  
24 missing persons or missing children into the national missing persons  
25 file, ensure that proper entry criteria have been met as set forth by the  
26 FBI/NCIC, and confirm entry of the data about the missing persons or  
27 missing children;

- 1 (2) Gather and distribute information and data on missing children and  
2 missing persons;
- 3 (3) Encourage research and study of missing children and missing  
4 persons, including the prevention of child abduction and the  
5 prevention of the exploitation of missing children;
- 6 (4) Serve as a statewide resource center to assist local communities in  
7 programs and initiatives to prevent child abduction and the  
8 exploitation of missing children;
- 9 (5) Continue increasing public awareness of the reasons why children are  
10 missing and vulnerability of missing children;
- 11 (6) Achieve maximum cooperation with other agencies of the State, with  
12 agencies of other states and the federal government and with the  
13 National Center for Missing and Exploited Children in rendering  
14 assistance to missing children and missing persons and their parents,  
15 guardians, spouses, or legal custodians; and cooperate with interstate  
16 and federal efforts to identify deceased individuals;
- 17 (6a) Develop and maintain the ~~North Carolina Child Alert Notification~~  
18 ~~System (NC-CAN)~~ AMBER Alert System as created by G.S.  
19 143B-499.7;
- 20 (7) Forward the appropriate information to the Police Information  
21 Network to assist it in maintaining and publishing a bulletin of  
22 currently missing children and missing persons;
- 23 (8) Maintain a directory of existing public and private agencies, groups,  
24 and individuals that provide effective assistance to families in the areas  
25 of prevention of child abduction, location of missing children and  
26 missing persons, and follow-up services to the child or person and  
27 family, as determined by the Secretary of Crime Control and Public  
28 Safety;
- 29 (9) Annually compile and publish reports on the actual number of children  
30 and persons missing each year, listing the categories and causes, when  
31 known, for the disappearances;
- 32 (10) Provide follow-up referrals for services to missing children or persons  
33 and their families;
- 34 (11) Maintain a toll-free 1-800 telephone service that will be in service at  
35 all times; and
- 36 (12) Perform such other activities that the Secretary of Crime Control and  
37 Public Safety considers necessary to carry out the intent of its  
38 mandate."

39 **SECTION 3.** G.S. 143B-499.7 reads as rewritten:

40 "**§ 143B-499.7. North Carolina ~~Child Alert Notification~~ AMBER Alert System**  
41 **established.**

42 (a) There is established within the North Carolina Center for Missing Persons the  
43 ~~North Carolina Child Alert Notification System (NC-CAN)~~ AMBER Alert System. The

1 purpose of ~~NC CAN AMBER~~ Alert is to provide a statewide system for the rapid  
2 dissemination of information regarding abducted children.

3 (b) The ~~NC CAN AMBER~~ Alert System shall make every effort to disseminate  
4 information on missing children as quickly as possible when the following criteria are  
5 met:

- 6 (1) The child is ~~12~~ 17 years of age or younger;
- 7 ~~(2) The child is believed to have been abducted;~~
- 8 ~~(3) The child is believed to be in danger of injury or death;~~
- 9 (4) The abduction is not known or suspected to be by a parent of the ~~child;~~  
10 child, unless the child's life is suspected to be in danger of injury or  
11 death;
- 12 (4a) The child is believed:
  - 13 a. To have been abducted, or
  - 14 b. To be in danger of injury or death;
- 15 (5) The child is not a runaway or voluntarily missing; and
- 16 (6) The abduction has been reported to and investigated by a law  
17 enforcement agency.

18 ~~The NC CAN System may disseminate information on missing children who are~~  
19 ~~ages 13 to 17 on a case by case basis, if all other criteria in subdivisions (2) through (6)~~  
20 ~~of this subsection have been met, if the Center believes the dissemination of the~~  
21 ~~information to be beneficial in the possible recovery of the missing child.~~

22 If the abduction of the child is known or suspected to be by a parent of the child, the  
23 Center, in its discretion, may disseminate information through the ~~NC CAN AMBER~~  
24 Alert System if the child is believed to be in danger of injury or death.

25 (c) The Center shall adopt guidelines and develop procedures for the statewide  
26 implementation of the ~~NC CAN AMBER~~ Alert System and shall provide education and  
27 training to encourage radio and television broadcasters to participate in the System. The  
28 Center shall work with the Department of Justice in developing training material  
29 regarding the ~~NC CAN AMBER~~ Alert System for law enforcement, broadcasters, and  
30 community interest groups.

31 (d) The Center shall consult with the Department of Transportation and develop a  
32 procedure for the use of overhead permanent changeable message signs to provide  
33 information on the abduction of a child meeting the criteria established in subsection (b)  
34 of this section, when information is available that would enable motorists to assist law  
35 enforcement in the recovery of the missing child. The Center and the Department of  
36 Transportation shall develop guidelines for the content, length, and frequency of any  
37 message to be placed on an overhead permanent changeable message sign.

38 (e) The Center shall consult with the Division of Emergency Management, in the  
39 Department of Crime Control and Public Safety, to develop a procedure for the use of  
40 the Emergency Alert System to provide information on the abduction of a child meeting  
41 the criteria established in subsection (b) of this section.

42 (f) The Department of Crime Control and Public Safety, on behalf of the Center,  
43 may accept grants, contributions, devises, bequests, and gifts, which shall be kept in a

1 separate fund, which shall be nonreverting, and shall be used to fund the operations of  
2 the Center and the ~~NC-CAN-AMBER~~ Alert System."

3           **SECTION 4.** This act is effective when it becomes law.