

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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HOUSE BILL 478  
Committee Substitute Favorable 4/2/03

Short Title: Amber Alert.

(Public)

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Sponsors:

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Referred to:

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March 13, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING THE NORTH CAROLINA CHILD  
ALERT NOTIFICATION (NC CAN) SYSTEM AND TO RENAME THAT  
SYSTEM THE AMBER ALERT SYSTEM.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

The Center shall:

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

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

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

38 **"§ 143B-499.7. North Carolina Child Alert Notification System established.**

39 (a) There is established within the North Carolina Center for Missing Persons the  
40 ~~North Carolina Child Alert Notification System (NC-CAN)-AMBER Alert System.~~ The  
41 purpose of ~~NC-CAN-AMBER Alert~~ is to provide a statewide system for the rapid  
42 dissemination of information regarding abducted children.

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

4 (1) The child is ~~12~~17 years of age or younger;

5 ~~(2) The child is believed to have been abducted;~~

6 ~~(3) The child is believed to be in danger of injury or death;~~

7 (2) The child is believed:

8 a. To have been abducted, or

9 b. To be in danger of injury or death;

10 ~~(4)~~(3) The abduction is not known or suspected to be by a parent of the ~~child;~~  
11 child, unless the child's life is suspected to be in danger;

12 ~~(5)~~(4) The child is not believed to be a runaway or voluntarily missing; and

13 ~~(6)~~(5) The abduction has been reported to and investigated by a law  
14 enforcement agency.

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

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

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

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

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

39 (f) The Department of Crime Control and Public Safety, on behalf of the Center,  
40 may accept grants, contributions, devises, bequests, and gifts, which shall be kept in a  
41 separate fund, which shall be nonreverting, and shall be used to fund the operations of  
42 the Center and the ~~NC CAN-AMBER Alert System~~."

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