

AMBER ALERT AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill addresses the Amber Alert System.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ specifies the criteria for when an Amber Alert may be issued; and
- ▶ gives the Department of Public Safety rulemaking authority to administer the Amber Alert System.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

53-10-1001, Utah Code Annotated 1953

53-10-1002, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53-10-1001** is enacted to read:

Part 10. Amber Alert System

53-10-1001. Definitions.

As used in this part:

30 (1) "Abduction of a child" means the taking, concealing, or detaining of a child without
31 permission from an individual entitled to custody of the child.

32 (2) "Amber Alert" means an alert issued in accordance with America's Missing:
33 Broadcast Emergency Response run by the bureau to assist a law enforcement agency in the
34 recovery of an abducted child.

35 (3) "Child" means an individual under 18 years old.

36 (4) "Runaway" means the same as that term is defined in Section [80-1-102](#).

37 Section 2. Section **53-10-1002** is enacted to read:

38 **53-10-1002. Amber Alert criteria.**

39 (1) Except as provided in Subsection (2), if a law enforcement agency receives a report
40 that an abduction of a child has occurred, including an abduction of a child by the child's parent
41 or guardian, the investigating law enforcement agency may issue an Amber Alert if:

42 (a) the investigating law enforcement agency confirms that an abduction of the child
43 has occurred;

44 (b) the investigating law enforcement agency believes there is a credible threat of
45 imminent danger of serious bodily injury or death to the child; and

46 (c) there is sufficient descriptive information about the child, alleged abductor, or the
47 circumstances surrounding the abduction to indicate that issuing an Amber Alert will assist in
48 the safe recovery of the child or the apprehension of the abductor.

49 (2) A law enforcement agency may not issue an Amber Alert:

50 (a) for a reported runaway; or

51 (b) for the taking, concealing, or detaining of a child by the child's parent during a child
52 custody dispute regarding the child, unless there is a credible threat of imminent danger of
53 serious bodily injury or death to the child.

54 (3) The investigating law enforcement agency may use relevant law enforcement
55 technology, including an automatic license plate reader system, to locate a vehicle that is being
56 sought in connection with an issued Amber Alert.

57 (4) The department and the Department of Transportation may make rules in

58 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing
59 policies and procedures for the operation and maintenance of the Amber Alert System other
60 than mobile network operations.