

House File 2370 - Introduced

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A BILL FOR

1 An Act relating to a green alert system for missing at-risk
2 veterans, and making penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **35E.1 Definitions.**

2 For purposes of this chapter, unless the context otherwise
3 requires:

4 1. "At-risk veteran" means a veteran who is reported missing
5 under circumstances indicating the veteran may be experiencing a
6 mental health crisis, emotional distress, cognitive impairment,
7 substance-related impairment, or other condition creating a
8 credible concern for the veteran's well-being.

9 2. "Department" means the department of public safety.

10 3. "Green alert" means a confidential, nonpublic notification
11 to facilitate professional coordination for the safe location and
12 voluntary assistance of a missing at-risk veteran.

13 4. "Veteran" means an individual who served in the armed
14 forces of the United States and who was discharged or released
15 under conditions other than dishonorable.

16 Sec. 2. NEW SECTION. **35E.2 Green alert system.**

17 1. The department shall establish and administer a green
18 alert system to support wellness-oriented location efforts for
19 missing at-risk veterans.

20 2. A green alert shall be activated if all of the following
21 conditions are met:

22 a. A veteran is reported missing.

23 b. The person requesting a green alert provides specific
24 facts indicating a potential threat to the veteran's well-being.

25 c. The department receives the name, contact information, and
26 relationship to the veteran of the person requesting a green
27 alert.

28 d. A peace officer or designated public safety official
29 independently verifies the credibility of the report and
30 determines that activation of a green alert is appropriate.

31 3. The verifying officer or official shall document the basis
32 for activating a green alert.

33 4. The department shall review the status of the green alert
34 every seventy-two hours and terminate the green alert immediately
35 upon verification that the at-risk veteran has been located or

1 the risk has passed.

2 5. A person who knowingly submits a false report under this
3 section violates section 718.6.

4 Sec. 3. NEW SECTION. **35E.3 Confidentiality.**

5 1. The department shall not disseminate a green alert to
6 the general public and shall not utilize an emergency broadcast
7 system, wireless emergency alert, highway message sign, social
8 media, or other publicly accessible notification method.

9 2. The department shall only disseminate information related
10 to an active green alert to the following entities:

11 a. A law enforcement agency.

12 b. A hospital or urgent care facility.

13 c. Emergency medical services.

14 d. A community mental health provider or crisis response
15 team.

16 e. A veterans service organization or veteran peer support
17 program approved by the department.

18 f. A professional service entity reasonably believed to be
19 able to assist in locating or supporting the at-risk veteran.

20 3. The department shall only disseminate information
21 reasonably necessary for identification of and voluntary contact
22 with an at-risk veteran.

23 Sec. 4. NEW SECTION. **35E.4 Green alert response.**

24 1. A response associated with a green alert must prioritize
25 de-escalation, voluntary engagement, and trauma-informed
26 practices.

27 2. An agency responding to a green alert shall, when
28 feasible, involve a crisis intervention team, veteran peer
29 support specialist, or mental health professional trained to work
30 with veterans.

31 3. Veteran status, mental health history, or service-related
32 trauma shall not be presumed to indicate dangerousness.

33 Sec. 5. NEW SECTION. **35E.5 Prohibited uses.**

34 Activation of a green alert does not create probable cause or
35 reasonable suspicion of criminal activity and shall not be used

1 to do any of the following:

- 2 1. Initiate an arrest absent independent probable cause.
- 3 2. Conduct a warrantless detention.
- 4 3. Justify involuntary commitment.
- 5 4. Circumvent constitutional protections or statutory due
6 process requirements.

7 Sec. 6. NEW SECTION. **35E.6 Priority.**

8 The green alert system must operate independently from public
9 emergency alert channels. Activation of a green alert shall not
10 delay or interfere with the prioritization of a public emergency
11 alert related to child abduction or an imminent threat to the
12 public.

13 Sec. 7. NEW SECTION. **35E.7 Data collection.**

14 1. The department shall maintain annual statistics on the
15 green alert system, including the number of alerts issued, the
16 resolution of alerts, and verified false reports, while ensuring
17 all personally identifiable information is protected.

18 2. The department shall not publicly release personally
19 identifiable information related to a green alert unless the
20 veteran or the veteran's legal representative affirmatively
21 consents to the release of the information.

22 Sec. 8. NEW SECTION. **35E.8 Rules.**

23 The department may adopt rules pursuant to chapter 17A as
24 necessary to administer this chapter.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 This bill requires the department of public safety
29 (department) to establish a nonpublic green alert system
30 to facilitate professional coordination for the location and
31 assistance of a missing at-risk veteran. A green alert shall
32 be activated if a veteran is reported missing under circumstances
33 suggesting that the veteran is at risk by a person who provides
34 adequate personal contact information and the report of the
35 at-risk veteran is verified by a peace officer or public safety

1 official. The officer or official must document the basis for
2 activating the green alert. A green alert must be reviewed every
3 72 hours and terminated upon verification that the veteran has
4 been located or the risk has passed.

5 The bill provides that knowingly submitting a false report
6 to the green alert system is a violation of Code section 718.6
7 (false reports to or communications with public safety entities),
8 a simple misdemeanor. A simple misdemeanor is punishable by
9 confinement for no more than 30 days and a fine of at least \$105
10 but not more than \$855.

11 The bill prohibits the department from disseminating a green
12 alert to the general public or using a publicly accessible
13 notification method. Information related to an active green
14 alert may only be disseminated to the entities listed in the
15 bill.

16 The bill requires a response for a green alert to prioritize
17 de-escalation, voluntary engagement, and trauma-informed
18 practices, and prohibits the green alert from being used to
19 initiate an arrest absent independent probable cause, conduct
20 a warrantless detention, justify involuntary commitment, or
21 circumvent constitutional protections or statutory due process
22 requirements.

23 The bill provides that the green alert system must operate
24 independently from public emergency alert channels and must not
25 delay or interfere with the prioritization of a public emergency
26 alert related to child abduction or an imminent threat to the
27 public.

28 The bill requires the department to maintain annual statistics
29 on the green alert system, while ensuring all personally
30 identifiable information is protected. Personally identifiable
31 information related to a green alert shall not be publicly
32 released without the consent of the veteran or the veteran's
33 legal representative.