

Senate File 526 - Reprinted

SENATE FILE 526
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1167)

(As Amended and Passed by the Senate March 27, 2019)

A BILL FOR

1 An Act creating a blue alert program within the department of
2 public safety for the apprehension of a person suspected of
3 killing or seriously injuring a peace officer in the line of
4 duty or due to safety concerns for a peace officer missing
5 while on duty.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 80H.1 Definitions.

2 As used in this chapter, the following definitions apply:

3 1. "Department" means the department of public safety.

4 2. "Law enforcement agency" means a law enforcement agency
5 with jurisdiction over the search for a suspect in a case
6 involving the death or serious injury of a peace officer in
7 the line of duty, or a law enforcement agency employing a
8 peace officer who is reported missing while on duty under
9 circumstances warranting concern for the peace officer's
10 safety.

11 3. "Peace officer" means the same as defined in section
12 801.4.

13 Sec. 2. NEW SECTION. 80H.2 Blue alert program — creation.

14 A blue alert program is created as a cooperative effort
15 between the department and local law enforcement agencies to
16 aid in the search for a suspect of a crime involving the death
17 or serious injury of a peace officer in the line of duty or a
18 peace officer who is missing while on duty under circumstances
19 warranting concern for the peace officer's safety.

20 Sec. 3. NEW SECTION. 80H.3 Criteria — blue alert.

21 1. Upon notification by a law enforcement agency that a
22 suspect in a case involving the death or serious injury of a
23 peace officer in the line of duty has not been apprehended and
24 may be a serious threat to the public, the department of public
25 safety communications center shall activate a blue alert and
26 notify appropriate participants in the blue alert program,
27 as established by department rule, if all of the following
28 criteria apply:

29 a. A law enforcement agency believes that the suspect has
30 not been apprehended.

31 b. A law enforcement agency believes that the suspect may be
32 a serious threat to the public.

33 c. Sufficient descriptive information is available to
34 disseminate to the public that could assist in locating the
35 suspect.

1 2. Upon notification by a law enforcement agency that a
2 peace officer is missing while on duty under circumstances
3 warranting concern for the peace officer's safety, the
4 department of public safety communications center shall
5 activate a blue alert and notify appropriate participants in
6 the blue alert program, as established by department rule, if
7 sufficient descriptive information is available to disseminate
8 to the public that could assist in locating the missing peace
9 officer.

10 3. The department of public safety communications center
11 shall not release any information about the identity of a peace
12 officer in a case involving the death or serious injury of the
13 peace officer who is the subject of a blue alert.

14 4. If a blue alert is issued because a peace officer
15 is missing while on duty, the department of public safety
16 communications center shall defer to the investigating law
17 enforcement agency about the nature and limits of the officer
18 information to be made public.

19 Sec. 4. NEW SECTION. **80H.4 Activation and termination.**

20 1. Upon establishment of the blue alert criteria in section
21 80H.3, the department shall transmit a blue alert through the
22 emergency alert system to Iowa broadcasters.

23 2. Upon the transmission of a blue alert, the department
24 shall post the alert on an internet website accessible by the
25 public.

26 3. After an initial blue alert transmission, additional
27 information may be submitted by the participating law
28 enforcement agency by facsimile transmission, electronic mail,
29 or telephonic means.

30 4. The bureau chief of the department of public safety
31 communications bureau may direct the transmission of an Iowa
32 blue alert upon request from another state, provided that there
33 is evidence the suspect may be present in Iowa.

34 5. The blue alert transmission may be directed to a specific
35 geographic location within the state if the department of

1 public safety communications center determines that the nature
2 of the event makes it probable that the suspect or peace
3 officer did not leave a certain geographic location of the
4 state.

5 6. A blue alert shall terminate if any of the following
6 occur:

7 a. The suspect or peace officer is located.

8 b. The department determines that the blue alert is no
9 longer an effective tool for locating the suspect or peace
10 officer.

11 c. Five hours have elapsed since the transmission of the
12 blue alert.

13 7. A blue alert may be renewed.

14 8. Law enforcement agencies shall notify the department
15 immediately upon taking a suspect into custody or upon locating
16 the missing peace officer.

17 Sec. 5. NEW SECTION. 80H.5 Liability.

18 No entity or individual shall be liable for any civil damages
19 arising from the activation or termination of a blue alert,
20 provided the entity or individual acts reasonably and in good
21 faith.

22 Sec. 6. NEW SECTION. 80H.6 Rules.

23 The department shall adopt rules pursuant to chapter 17A to
24 implement this chapter.