SENATE FILE 526
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1167)

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

_____ = New Language by the Senate

A BILL FOR

An Act creating a blue alert program within the department of public safety for the apprehension of a person suspected of killing or seriously injuring a peace officer in the line of duty or due to safety concerns for a peace officer missing while on duty.

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

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

As used in this chapter, the following definitions apply:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. The suspect or peace officer is located.

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

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

7. A blue alert may be renewed.

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

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

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

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

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