

1 H.182

2 Introduced by Representative Sweaney of Windsor

3 Referred to Committee on

4 Date:

5 Subject: Public safety; search and rescue

6 Statement of purpose of bill as introduced: This bill proposes to set forth the
7 standards for conducting search and rescue operations.

8 An act relating to search and rescue

9 It is hereby enacted by the General Assembly of the State of Vermont:

10 Sec. 1. 20 V.S.A. chapter 112 is amended to read:

11 CHAPTER 112. MISSING PERSONS AND SEARCH AND RESCUE

12 Subchapter 1. Missing Persons

13 § 1820. DEFINITIONS

14 As used in this chapter:

15 (1) "Missing person" means an individual whose whereabouts is
16 unknown and who is either physically disabled, mentally disabled, or an
17 unemancipated minor.

18 (2) "Unemancipated minor" means an individual under the age of
19 majority who has not married and who resides with a parent or legal guardian.

1 § 1821. MISSING PERSON COMPLAINT

2 (a) A person filing a missing person complaint with a law enforcement
3 agency shall provide at a minimum the following information:

4 (1) the name, age, address, and identifying characteristics of the missing
5 person;

6 (2) the length of time the person has been missing;

7 (3) the name of the complainant and the relationship of the complainant
8 to the missing person; and

9 (4) any other relevant information provided by the complainant or
10 requested by the law enforcement agency.

11 (b) All law enforcement personnel on active duty shall be notified
12 forthwith that the person is missing.

13 § 1822. MISSING PERSON REPORT

14 Upon receiving a complaint, the law enforcement agency shall forthwith
15 prepare a missing person report. The report shall include all information
16 contained in the missing person complaint and any information or evidence
17 gathered by a preliminary investigation, if one was made.

18 § 1823. DISSEMINATION OF MISSING PERSON REPORT

19 (a) Upon completion of the report, a copy shall forthwith be forwarded to
20 the ~~commissioner of public safety~~ Commissioner of Public Safety, all law
21 enforcement agencies within the jurisdiction where the missing person lives or

1 was last seen, and other law enforcement agencies that can reasonably be
2 expected to be involved in any investigation.

3 (b) A copy of the report shall also be forwarded to:

4 (1) all law enforcement agencies to which the complainant reasonably
5 requests the report be sent;

6 (2) any law enforcement agency requesting a copy of the missing person
7 report; and

8 (3) all media in the region in which the missing person lives, or was last
9 seen, unless such disclosure would impede an ongoing investigation or unless
10 otherwise requested by the complainant.

11 § 1824. SEARCHES FOR MISSING PERSONS

12 (a) A law enforcement agency shall commence a search for a missing
13 person as soon as a report is received.

14 (b) Any rule specifying an automatic time limitation before commencing a
15 missing person investigation shall be invalid.

16 (c) Notwithstanding any provision of law to the contrary, the search for a
17 missing person whose whereabouts is unknown within the back country,
18 remote areas, or navigable waters shall be conducted as provided in subchapter
19 2 of this chapter.

1 § 1825. MISSING PERSON COMPLAINTS REGARDING
2 UNEMANCIPATED MINORS

3 If a missing person complaint involves an unemancipated minor, including
4 a runaway child as defined in 13 V.S.A. § 1311, the law enforcement agency
5 shall transmit the report, as soon as it is complete, to the ~~department of public~~
6 ~~safety~~ Department of Public Safety for inclusion in the National Crime
7 Information Center computer.

8 § 1826. FALSE INFORMATION ON MISSING PERSON

9 A person who knowingly makes a false report of a missing person, or
10 knowingly makes a false statement in the report shall be fined not more than
11 \$1,000.00.

12 § 1827. COMMISSIONER OF PUBLIC SAFETY; COOPERATION

13 The ~~commissioner of public safety~~ Commissioner of Public Safety shall
14 cooperate with and support all law enforcement agencies in this ~~state~~ State in
15 matters relating to missing persons. When necessary to protect a missing
16 person from harm, the ~~commissioner~~ Commissioner shall coordinate local and
17 state efforts to search for and rescue the missing person.

18 § 1828. VERMONT AMBER ALERT PROGRAM

19 The ~~department of public safety~~ Department of Public Safety shall establish
20 the Vermont Amber ~~alert program~~ Alert Program to aid in the identification

1 and location of abducted children. The ~~department~~ Department shall
2 administer the ~~program~~ Program pursuant to the following:

3 (1) A law enforcement agency which verifies the abduction of a child
4 shall notify the ~~department of public safety~~ Department of Public Safety.

5 (2) The ~~department~~ Department shall establish a procedure for verifying
6 the need to issue an Amber ~~alert~~ Alert.

7 (3) The ~~department of public safety~~ Department shall issue an alert over
8 the Vermont ~~emergency alert system~~ Emergency Alert System if:

9 (A) a law enforcement agency notifies the ~~department~~ Department of
10 the abduction of a child;

11 (B) there is sufficient information about the child or the person
12 suspected of abducting the child that an immediate broadcast might help locate
13 the child; and

14 (C) the child is in danger of imminent death or serious bodily harm.

15 (4) An ~~alert~~ Alert issued under this section shall be sent to the Federal
16 Communications Commission's designated state emergency alert system
17 broadcaster in Vermont. Participating radio and television stations shall
18 broadcast the ~~alert~~ Alert at intervals established by the ~~department~~ Department.
19 The ~~alert~~ Alert shall include all information which the ~~department~~ Department
20 determines may assist in the safe recovery of the abducted child and

1 instructions explaining how a person with information related to the abduction
2 may contact a law enforcement agency.

3 (5) A law enforcement agency which locates a child who is the subject
4 of an ~~alert~~ Alert issued under this section shall immediately notify the law
5 enforcement agency which requested the Amber ~~alert~~ Alert.

6 (6) An ~~alert~~ Alert issued under this section shall be canceled:

7 (A) if the ~~department~~ Department notifies the Federal
8 Communications Commission's designated state emergency alert system
9 broadcaster in Vermont that the child has been located; or

10 (B) at the expiration of a notification period specified by the
11 ~~department~~ Department.

12 (7) A radio or television station that accurately broadcasts information
13 pursuant to this section shall not be liable for civil damages as a result of the
14 broadcast of such information.

15 Subchapter 2. Search and Rescue

16 § 1841. DEFINITIONS

17 As used in this chapter:

18 (1) "Navigable waters" means Lake Champlain, Lake Memphremagog,
19 the Connecticut River, all natural inland lakes within Vermont, and all streams,
20 ponds, flowages, and other waters within the territorial limits of Vermont,

1 including the Vermont portion of boundary waters, which are boatable under
2 the laws of this State.

3 (2) "Search and rescue" means the employment, coordination, and
4 utilization of available resources and personnel in locating, relieving the
5 distress, and preserving the lives of and removing persons who are missing or
6 lost in back country, remote areas, or navigable waters.

7 § 1842. JURISDICTION OVER SEARCH AND RESCUE OPERATIONS

8 The Commissioner of Public Safety shall have jurisdiction over all search
9 and rescue operations.

10 § 1843. SEARCH AND RESCUE REPORT; RESPONSE

11 (a) Report taken by a local or county law enforcement agency; response. A
12 local or county public safety agency taking a report of any person missing in
13 the back country, remote areas, or navigable waters shall immediately:

14 (1) respond to the scene and take immediate action to locate the person
15 reported missing; and

16 (2) notify the Department of Public Safety to advise of the situation.

17 (b) Department of Public Safety response.

18 (1) When provided with a report of a person missing in the back
19 country, remote areas, or navigable waters, the Department shall ensure that
20 notification is made to its Search and Rescue Team, and the Team, in

1 consultation with the entity providing the report, shall determine the
2 appropriate level of response needed.

3 (2) The Department shall ensure that an immediate response to any
4 report of a person missing in the back country, remote areas, or navigable
5 waters is made, including immediate action to locate the person reported
6 missing.

7 § 1844. COMMISSIONER OF PUBLIC SAFETY; COOPERATION

8 The Commissioner of Public Safety shall cooperate with and support all
9 public safety agencies in this State in matters relating to search and rescue
10 operations. When necessary to protect a person missing in the back country,
11 remote areas, or navigable waters from harm, the Commissioner shall
12 coordinate local and state efforts to search for and rescue that person.

13 § 1845. FALSE REPORT OR STATEMENT

14 A person who knowingly makes a false report of a person missing in the
15 back country, remote areas, or navigable waters, or knowingly makes a false
16 statement in the report shall be fined not more than \$1,000.00.

17 Sec. 2. EFFECTIVE DATE

18 This act shall take effect on passage.