

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~~

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

CHAPTER 112. MISSING PERSONS AND SEARCH AND RESCUE

Subchapter 1. Missing Persons

§ 1820. DEFINITIONS

As used in this chapter:

~~(1) “Missing person” means an individual whose whereabouts is unknown and who is either physically disabled, mentally disabled, developmentally disabled, or an unemancipated minor.~~

(1) “Missing person” means an individual:

(A) whose whereabouts is unknown; and

(B)(i) who is with either physically disabled, mentally disabled a physical disability, a mental disability, or a developmental disability; or

(ii) who is an unemancipated minor.

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

§ 1821. MISSING PERSON COMPLAINT

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

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

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

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

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

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

§ 1822. MISSING PERSON REPORT

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

§ 1823. DISSEMINATION OF MISSING PERSON REPORT

(a) Upon completion of the report, a copy shall forthwith be forwarded to the ~~commissioner of public safety~~ Commissioner of Public Safety, all law enforcement agencies within the jurisdiction where the missing person lives or was last seen, and other law enforcement agencies that can reasonably be expected to be involved in any investigation.

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

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

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

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

§ 1824. SEARCHES FOR MISSING PERSONS

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

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

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

§ 1825. MISSING PERSON COMPLAINTS REGARDING

UNEMANCIPATED MINORS

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

§ 1826. FALSE INFORMATION ON MISSING PERSON

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

§ 1827. COMMISSIONER OF PUBLIC SAFETY; COOPERATION

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

§ 1828. VERMONT AMBER ALERT PROGRAM

The ~~department of public safety~~ Department of Public Safety shall establish the Vermont Amber ~~alert program~~ Alert Program to aid in the identification and location of abducted children. The ~~department~~ Department shall administer the program pursuant to the following:

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

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

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

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

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

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

(4) An ~~alert~~ Alert issued under this section shall be sent to the Federal Communications Commission's designated state ~~emergency alert system~~ Emergency Alert System broadcaster in Vermont. Participating radio and television stations shall broadcast the ~~alert~~ Alert at intervals established by the ~~department~~ Department. The ~~alert~~ Alert shall include all information which the ~~department~~ Department determines may assist in the safe recovery of the abducted child and instructions explaining how a person with information related to the abduction may contact a law enforcement agency.

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

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

(A) if the ~~department~~ Department notifies the Federal Communications Commission's designated state ~~emergency alert system~~

Emergency Alert System broadcaster in Vermont that the child has been located; or

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

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

Subchapter 2. Search and Rescue

§ 1841. DEFINITIONS

As used in this chapter:

(1) "Public safety agency" means any municipal, county, or state agency or organization within the State that specializes in protecting the safety of the public and includes municipal police and fire departments, volunteer fire departments, county sheriffs, and constables who exercise law enforcement authority.

(2) "Search and rescue" means the deployment, coordination, and utilization of available resources and personnel in locating, relieving the distress, and preserving the lives of and removing persons who are missing or lost in the backcountry, remote areas, or waters of the State.

§ 1842. COMMISSIONER OF PUBLIC SAFETY; JURISDICTION OVER
SEARCH AND RESCUE OPERATIONS; COORDINATION

(a) The Commissioner of Public Safety shall have jurisdiction over all search and rescue operations.

(b)(1) The Commissioner shall cooperate with and support all public safety agencies and any nonpublic entities that specialize in protecting the safety of the public in this State in matters relating to search and rescue operations. When necessary to protect a person missing in the backcountry, remote areas, or waters of the State from harm, the Commissioner shall coordinate local, county, state, and any nonpublic efforts to search for and rescue that person.

(2) The Commissioner shall specifically coordinate with game wardens in the Department of Fish and Wildlife as needed to search for and rescue a person missing or lost in the backcountry, remote areas, or waters of the State.

§ 1843. INCIDENT COMMAND SYSTEM; TRAINING

(a) The Commissioner shall ensure that all search and rescue operations are conducted using the incident command system in order to provide the seamless integration of all responding search and rescue agencies and organizations. Incident command is a standardized, on-scene approach to incident management that allows all responders to adopt a collaborative, integrated organizational structure while respecting agency and jurisdictional authorities.

(b) All Search and Rescue Team members within the Department of Public Safety shall maintain equipment standards and high-level search and rescue training and training on the incident command system as established by the Search and Rescue Council set forth in section 1847 of this subchapter. The Search and Rescue Team shall regularly conduct search and rescue training with collaborating agencies and organizations with the goal of continually refining search and rescue operations.

§ 1844. SEARCH AND RESCUE COORDINATOR

(a) The Search and Rescue Coordinator shall be responsible for the general support of search and rescue operations conducted in the State. The Search and Rescue Coordinator shall be a permanent classified position within the Department of Public Safety and shall not be a law enforcement officer.

(b) The duties of the Coordinator shall include:

(1) assessing and populating with resources the database set forth in section 1846 of this subchapter as provided in that section;

(2) maintaining records of all search and rescue operations reported to the Department, including the date of the operation, the resources that assisted in the operation, and the result of the operation;

(3) maintaining records of all training completed by the Search and Rescue Team; and

(4) communicating with public safety agencies and any nonpublic entities that specialize in protecting the safety of the public regarding search and rescue training and equipment standards.

§ 1845. SEARCH AND RESCUE REPORT; RESPONSE

(a) Report of a person missing; response.

(1) A law enforcement agency taking a report of any person missing in the backcountry, remote areas, or waters of the State shall immediately:

(A) respond and take immediate action to locate the person reported missing; and

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

(2) Any other public safety agency or a nonpublic entity that specializes in protecting the safety of the public and is included in the search and rescue database set forth in section 1846 of this subchapter which takes a report of any person missing in the backcountry, remote areas, or waters of the State:

(A) shall immediately notify the Department of Public Safety to advise of the situation; and

(B) may respond and take immediate action to locate the person reported missing.

(b) Department of Public Safety response.

(1) When provided with a report of a person missing in the backcountry, remote areas, or waters of the State, the Department shall ensure that

notification is made to its Search and Rescue Team and the Team, in consultation with the entity providing the report, shall determine the appropriate level of response needed based on best practices in search and rescue operations. The Department shall also ensure that notification is made to any municipal police and fire departments of the town in which the person is missing, any volunteer fire departments of that town, and any emergency medical service providers of that town which are in the search and rescue database.

(2) The Department shall ensure that an immediate response to any report of a person missing in the backcountry, remote areas, or waters of the State is made, including immediate action to locate the person reported missing.

§ 1846. SEARCH AND RESCUE DATABASE

The Department of Public Safety shall populate and use a search and rescue database as set forth in this section.

(1) The Search and Rescue Coordinator, on a geographic basis, shall identify all agencies and organizations having specific search and rescue response capability. The points of contact for each agency and organization having specific search and rescue capability shall be compiled and entered into the search and rescue database. The database shall be updated on a regular basis by the Search and Rescue Coordinator.

(2) When the Search and Rescue Team determines that additional resources are necessary to respond to a search and rescue operation, the Team shall use this database in order to deploy properly those additional resources.

§ 1847. SEARCH AND RESCUE COUNCIL

(a) Creation of council. There is created a Search and Rescue Council which shall be responsible for analyzing the performance of search and rescue operations conducted in the State.

~~(b)(1) Membership. The Council shall be composed of eight members who shall serve two-year terms commencing on July 1 of each odd-numbered year.~~

Members of the Council shall be as follows:

(A) the Search and Rescue Coordinator;

(B) the Vermont State Police Search and Rescue Team Leader;

(C) one member of the House of Representatives, appointed by the Speaker of the House;

(D) one member of the Senate, appointed by the Senate Committee on Committees;

(E) one member of the Department of Fish and Wildlife, appointed by the Commissioner of the Department;

(F) one member of the public with experience in search and rescue operations, appointed by the Governor;

~~(G) one member of the National Ski Patrol or the Green Mountain Club with extensive experience in search and rescue operations, appointed by the Governor; and~~

~~(H) one member of a professional or volunteer search and rescue organization, appointed by the Governor~~

(b)(1) Membership. The Council shall be composed of eight members who shall serve two-year terms commencing on July 1 of each odd-numbered year. Members of the Council shall be as follows:

(A) the Search and Rescue Coordinator;

(B) the Vermont State Police Search and Rescue Team Leader;

(C) one member of the Department of Fish and Wildlife, appointed by the Commissioner of the Department;

(D) one member of the public with experience in search and rescue operations, appointed by the Governor;

(E) one member of the National Ski Patrol or the Green Mountain Club with extensive experience in search and rescue operations, appointed by the Governor;

(F) one member of a professional or volunteer search and rescue organization, appointed by the Governor; and

(G) one volunteer firefighter and one career firefighter, each of whom has obtained National Association of Search and Rescue "SARTECH 3"

or equivalent training and either Incident Command System (ICS) 200 or National Incident Management System (NIMS) 300 training, appointed by the Governor.

(2) The appointed members shall be appointed to reflect the different geographic regions of the State.

(c) Powers and duties. The Council shall:

(1) meet quarterly and upon the call of the Chair;

(2) establish the search and rescue training and equipment standards that shall be required of members of the Search and Rescue Team;

(3) review completed search and rescue operations and make recommendations to search and rescue resources on how those operations may be improved; and

(4) at its discretion and subject to the provisions of 32 V.S.A. § 5, apply for and accept contributions, capital grants, gifts, services, and funds from any source.

(d) Structure; decision-making. The Council shall elect a Chair from its membership. The provisions of 1 V.S.A. § 172 (joint authority of three or more) shall apply to the meetings and decision-making of the Council.

(e) Report. The Council shall report annually by November 15 to the House and Senate Committees on Government Operations its findings and any recommendations for legislative action.

(f) Reimbursement. Members of the Council who are not employees of the State of Vermont shall be entitled to compensation as provided in 32 V.S.A.

~~§ 1010. Legislative members of the Council shall be entitled to the same per diem compensation and reimbursement for necessary expenses for attendance at a meeting when the General Assembly is not in session as provided to members of standing committees under 2 V.S.A. § 406.~~

§ 1848. FALSE REPORT OR STATEMENT

A person who knowingly makes a false report of a person missing in the backcountry, remote areas, or waters of the State or knowingly makes a false statement in the report shall be fined not more than \$1,000.00.

Sec. 2. 20 V.S.A. § 2365a is added to read:

§ 2365a. SEARCH AND RESCUE TRAINING

A person shall receive search and rescue training approved by the Vermont Criminal Justice Training Council and the Vermont Search and Rescue Council as part of basic training in order to become certified as a law enforcement officer.

Sec. 3. REALLOCATION OF POSITION WITHIN THE DEPARTMENT
OF PUBLIC SAFETY; SEARCH AND RESCUE COORDINATOR

(a) Within its existing financial resources and existing positions, the Department of Public Safety shall reallocate one position and necessary

funding to establish by July 1, 2013 the position of Search and Rescue Coordinator set forth in Sec. 1, 20 V.S.A. § 1844, of this act.

(b) Any duties required by this act to be performed by the Search and Rescue Coordinator shall be performed by the Commissioner of Public Safety or his or her designee prior to the establishment of the position of Search and Rescue Coordinator as required by subsection (a) of this section.

~~Sec. 4. EFFECTIVE DATES~~

~~This act shall take effect on passage, except Sec. 1, 20 V.S.A. § 1846 (search and rescue database), which shall take effect no later than 15 days after passage of this act. The search and rescue database shall be established, populated, and used as set forth in 20 V.S.A. § 1846 upon its effective date.~~

Sec. 4. PUBLICATION AND DISTRIBUTION OF SEARCH AND RESCUE PROTOCOL

(a) The Search and Rescue Coordinator set forth in Sec. 1 of this act shall publish a search and rescue protocol that describes the procedure set forth in Sec. 1, in 20 V.S.A. § 1845, that is required to be followed by any public safety agency or any nonpublic entity that specializes in protecting the safety of the public and which is included in the search and rescue database. The protocol shall be published as a resource for those agencies and entities to understand their responsibilities under Sec. 1, 20 V.S.A. § 1845, of this act.

(b) The Search and Rescue Coordinator shall ensure that the protocol is distributed to those public safety agencies and nonpublic entities within five business days of its publication.

Sec. 4a. REPEAL

20 V.S.A. § 1847 (Search and Rescue Council) is repealed.

Sec. 5. EFFECTIVE DATES

This act shall take effect on passage, except that:

(1) In Sec. 1 of this act, 20 V.S.A. § 1846 (search and rescue database) shall take effect no later than 15 days after passage of this act. The search and rescue database shall be established, populated, and used as set forth in 20 V.S.A. § 1846 upon its effective date;

(2) Sec. 4 (publication and distribution of search and rescue protocol) of this act shall take effect 15 days after the passage of this act; and

(3) Sec. 4a (repeal of 20 V.S.A. § 1847 (Search and Rescue Council)) of this act shall take effect on June 30, 2017.