

No. 2004-153

AN ACT

SB 936

Providing for the Pennsylvania Amber Alert System; authorizing and directing the Pennsylvania State Police to establish and maintain the Pennsylvania Amber Alert System; assessing costs; and providing for immunity and penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Pennsylvania Amber Alert System established.

The Pennsylvania State Police shall establish and maintain the Pennsylvania Amber Alert System to assist in the recovery of abducted children through prompt notification to the general public and appropriate law enforcement authorities. The Pennsylvania State Police shall establish such protocols and procedures as are necessary for the effective operation of this system and shall educate and inform local law enforcement agencies and the public with regard to its availability.

Section 2. Prohibited use.

The transmission, broadcast or other communication of a public alert, other than through the Pennsylvania Amber Alert System, intentionally, knowingly, recklessly or negligently purporting to be made by, with or through the authority of the Pennsylvania Amber Alert System is prohibited and shall be subject to a civil penalty of not more than \$5,000.

Section 3. Coordination with other jurisdictions.

The Pennsylvania State Police shall coordinate with the authorities of the various states and the Federal Government that are responsible within their respective jurisdictions for the recovery of abducted children to establish and execute the procedures appropriate to the effective fulfillment of its responsibilities under section 1.

Section 4. Assessment of cost.

Unless the court finds that undue hardship would result, in addition to any other cost imposed by law, a cost of \$25 shall automatically be assessed on each person convicted, adjudicated delinquent or granted accelerated rehabilitative disposition (ARD) of the offenses named in this section. The cost shall be forwarded to the Commonwealth and used by the Pennsylvania State Police to establish and maintain the Pennsylvania Amber Alert System and apply to the following offenses:

18 Pa.C.S. § 2901 (relating to kidnapping).

18 Pa.C.S. § 2902 (relating to unlawful restraint).

18 Pa.C.S. § 2903 (relating to false imprisonment).

18 Pa.C.S. § 2904 (relating to interference with custody of children).

18 Pa.C.S. § 2905 (relating to interference with custody of committed persons).

18 Pa.C.S. § 2906 (relating to criminal coercion).

18 Pa.C.S. § 2907 (relating to disposition of ransom).

18 Pa.C.S. § 2908 (relating to missing children).

18 Pa.C.S. § 2909 (relating to concealment of whereabouts of a child).

18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle).

Section 5. Immunity.

(a) Media immunity.—Owners, licensees, operators and employees of any communication medium, including, but not limited to, telephone, radio, television, newspaper, digital communications network or global communications network, shall be immune from civil liability for their good faith conduct while participating in accordance with this act.

(b) Good Samaritan immunity.—Any person who provides, obtains or attempts to provide or obtain assistance for a child who is the subject of a Pennsylvania Amber Alert System notice shall be immune from civil liability for acts or omissions in providing or obtaining or attempting to provide or obtain assistance except for acts or omissions intended to cause harm and for which the law does not recognize justification or that constitute gross negligence or willful, wanton or reckless conduct.

Section 6. Effective date.

This act shall take effect immediately.

APPROVED—The 29th day of November, A.D. 2004.

EDWARD G. RENDELL