

ASSEMBLY BILL NO. 2415

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 2415 with my recommendations for reconsideration.

This bill amends the law to require Silver Alerts, which are informational alerts issued to the public to assist in finding missing persons believed to have dementia or another cognitive impairment and who may be in danger of death or serious bodily injury, to be broadcast in the same manner as Amber Alerts, which are activated in the critical situation when a child is missing and believed to have been abducted and in danger. Specifically, the bill seeks to amend the current statute regarding Silver Alerts to require participating media outlets to broadcast the missing person's information in the same way Amber Alerts do, that is, after a distinctive sound tone for the first three hours and thereafter, to be rebroadcast at intervals deemed appropriate by the lead law enforcement agency and participating media, which is the protocol for the Emergency Alert System ("EAS"). The EAS is a national public warning system governed by the Federal Communications Commission that allows state or local authorities to broadcast alerts to a wide range of people in targeted locations through television, radio, and other forms of communication for specific emergencies (such as Amber Alerts, life-threatening weather alerts, and Presidential alerts). Currently, all Amber Alerts are issued through the Missing Persons Unit ("MPU") in the Division of State Police, utilizing the EAS. The bill also changes the voluntary nature of participating media to inform the public of a missing person and makes the broadcast requirement mandatory for Silver Alerts.

While both Silver Alerts and Amber Alerts involve issuing informational notices to the public to provide awareness and

solicit their assistance in helping locate missing persons, the dynamics of the two situations are very different. When a child goes missing and the available information points to an abduction, the first few hours immediately following the suspected abduction are the most critical. An abducted child's life could be at risk from the abductor, and every second counts in the effort to recover the child and avoid tragic consequences. The MPU receives dozens of requests per year from local, county, state, and federal law enforcement agencies for assistance with the recovery of a missing person. However, the MPU only activates the EAS for an Amber Alert an average of two times per year, a clear indication of the seriousness of the broadcast. The relative rarity of such alerts ensures that the public will respond with focus and attention, in recognition of the urgency of the situation. In contrast, a Silver Alert situation would usually involve different considerations, where the missing person is a vulnerable adult who may be suffering from dementia or another medical condition that makes it difficult for them to get their bearings or care for themselves. In these situations, there is certainly risk to the missing person, but it warrants a different response than a child abduction.

I commend the sponsors of this legislation for seeking to enhance the way the public is alerted to incidents involving missing persons with dementia or another cognitive impairment, in an effort to engage the public's assistance to locate and assist these at-risk individuals as quickly as possible. However, I am concerned that aligning the Silver Alert protocol with the Amber Alert will serve to dilute the effectiveness of Amber Alerts without appreciably improving the efficacy of Silver Alerts. The concern is that Amber Alerts are as effective as they are because, due to the relative infrequency of issuance, the public takes serious notice and prioritizes them, keeping a special eye out for

the vehicle identified or the child involved. Silver Alert situations occur with far greater frequency, and issuing Silver Alert notices in the same manner as Amber Alerts may result in a less focused public response, as the alerts lose their distinctiveness -- and effectiveness -- with increased repetition and possible over-saturation.

The good news is that the State Police now have available for deployment in Silver Alert situations an alternative channel of communication, an emergency mass notification system with incident communications that facilitates rapid dissemination of urgent alerts to the public containing information on a missing person by text message, voice call, electronic mail, mobile app notifications, social media platform, and any other user-friendly interface. With the advances in technology made since the initial passage of P.L.2009, c.167 nearly 16 years ago -- a lifetime in the technology realm -- new software applications are readily available to effectuate a mass notification system for Silver Alerts, thus serving the interest at stake that this bill seeks to address, which is locating missing, at-risk adults as quickly as possible. Of significance, this system can be used to quickly and efficiently provide the public with the necessary information without the potentially routine overuse of the EAS to issue such alerts.

While I fully support initiating improvements to the public notification process that helps locate missing persons with dementia or another cognitive impairment, this should not be accomplished in a manner that undermines the Amber Alert system, given the gravity of an incident involving an abducted child and the need for urgency in responding quickly to increase the chances of the child's recovery. Fortunately, we have identified a way to achieve this goal without mandating for Silver Alerts the same

broadcast measures as Amber Alert. I am, therefore, with the valued partnership of the bill's sponsors, recommending revisions to the bill which provide a viable alternative to requiring Silver Alerts to use the distinctive sound tone and broadcast channel associated with Amber Alerts. Instead, my amendments require the MPU to develop a procedure for the use of an emergency mass notification system with incident communications to promote public awareness and solicit assistance and information to help law enforcement locate missing vulnerable adults as quickly as possible.

Therefore, I herewith return Assembly Bill No. 2415 and recommend that it be amended as follows:

Page 2, Title, Line 1:

After "and" insert "notification of missing persons and"

Page 2, Section 1, Line 31:

After "d." insert "The Missing Persons Unit shall develop a procedure for the use of an emergency mass notification system with incident communications that facilitates rapid dissemination of urgent alerts to the public that contain information on a missing person by text message, voice call, electronic mail, mobile app notifications, social media platform, and any other user-friendly interface, as determined by the lead law enforcement agency, to provide information on a missing person meeting the criteria set forth in section 2 of P.L.2009, c.167 (C.52:17B-194.5), when information is available that would enable members of the public to assist in the recovery of the missing person.

e."

Page 2, Section 1, Line 31:

Delete "shall" and insert "may voluntarily agree"

Page 2, Section 1, Line 32:

After "Alert," insert "to"

Page 2, Section 1, Line 34:

Delete "The alert"

Page 2, Section 1, Lines 35-39:

Delete in their entirety

Page 2, Section 1, Line 40:

Delete "enforcement agency and participating media deem appropriate" and insert "In addition, 'Missing Person Silver Alerts' and any other relevant or appropriate notification information shall be communicated to the public through an emergency mass notification system with incident communications, in accordance with procedures established by the Missing Persons Unit pursuant to subsection d. of this section"

Page 2, Section 1, Line 41:

Delete "e." and insert "f."

Page 2, Section 1, Line 43:

Delete "f." and insert "g."

Page 3, Section 1, Line 4:

Delete "g." and insert "h."

Page 3, Section 1, Line 7:

After "Police." insert "i. For purposes of this section, 'emergency mass notification system with incident communications' means a communications platform capable of immediate mass notifications through mobile or other electronic devices on a statewide or local level."

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Kate E. McDonnell

Chief Counsel to the Governor