



SPONSOR: Rep. Schooley & Rep. Mitchell & Sen. Ennis
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Ramone, Schwartzkopf, D. Short, Walls, Wilson; Sens.
Bushweller, Hall-Long

HOUSE OF REPRESENTATIVES

145th GENERAL ASSEMBLY

HOUSE BILL NO. 448
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE IMPLEMENTATION OF A STATEWIDE "BLUE ALERT" SYSTEM FOR THE SPEEDY APPREHENSION OF PERSONS ACCUSED OF KILLING OR SERIOUSLY INJURING LAW ENFORCEMENT OFFICERS.

WHEREAS, there is currently no system in place in Delaware to expedite the apprehension of violent criminals who seriously injure or kill local, state, or federal law enforcement officers; and

WHEREAS, three other states have recently adopted "Blue Alert" programs to achieve this objective; and

WHEREAS, the General Assembly hereby declares that it is necessary to create a statewide "Blue Alert" system to speed the apprehension of violent criminals who kill or seriously injure local, state, or federal law enforcement officers.

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

Section 1. Amend Title 11, Chapter 85 of the Delaware Code by inserting a new Subchapter VIII reading as follows:

"Subchapter VIII. Blue Alert Program for Apprehension of Persons Suspected of Killing or Injuring Law Enforcement Officers.

§ 8584 Definitions.

(1) 'ACIM Alert Program' means the 'A Child Is Missing Alert Program', a national rapid-response communication network that offers free assistance to law-enforcement agencies to aid in the recovery, identity, or apprehension of missing persons through the use of immediate public notification and dissemination of information via telephone in a targeted community.

(2) 'Law enforcement agency' means a government agency or any subunit thereof which performs the administration of criminal justice pursuant to statute or executive order, and which allocates a substantial part of its annual budget to the administration of criminal justice. For the purposes of this subchapter, such agencies shall include, but are not limited to, the following:

- a. The Delaware State Police;
- b. All law-enforcement agencies and police departments of any political subdivision of this State;
- c. The Department of Correction; and
- d. The Department of Justice.

(3) 'Gold Alert Program' means the program established in Subchapter VII of this Chapter to aid in the identification and location of certain missing persons.

(4) 'Law enforcement officer' includes police officers, the Attorney General and the Attorney General's deputies, sheriffs and their regular deputies, agents of the State Division of Alcohol and Tobacco Enforcement, correctional officers, state fire marshals, municipal fire marshals that are graduates of a Delaware Police Academy which is accredited/authorized by the Council on Police Training, sworn members of the City of Wilmington Fire Department who have graduated from a Delaware Police Academy which is authorized/accredited by the Council on Police Training, environmental protection officers, enforcement agents of the Department of Natural Resources and Environmental Control, and constables. For purposes of this Subchapter, "law enforcement officer" also includes an employee of a federal governmental agency who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and who has statutory powers of arrest.

(5) 'Investigating law enforcement agency' means the law enforcement agency that has primary jurisdiction over the area in which a law enforcement officer has been injured or killed.

§ 8585 Establishment of the Delaware Blue Alert Program

(a) Each investigating law enforcement agency shall implement an alert program, consistent with the ACIM Alert Program and the Gold Alert Program, for the apprehension of persons suspected of killing

or seriously injuring law enforcement officers, and may promulgate necessary rules and regulations for implementing the program. The rules and regulations shall include the following:

(1) Procedures for the use of the Delaware Information Analysis Center (DIAC) to provide support to the investigating law-enforcement agency as a resource for the receipt, analysis, and dissemination of information regarding the suspect and the suspect's whereabouts and/or method of escape;

(2) The process for reporting the information to designated media outlets in Delaware; and

(3) Procedures for the investigating law enforcement agency to determine quickly whether an officer has been 'seriously injured or killed' and a Blue Alert therefore needs to be activated.

§ 8586 Activation of the Blue Alert Program

(a) The Blue Alert Program shall be activated when a suspect for a crime involving the death or serious injury of a law enforcement officer has not been apprehended and may be a serious threat to the public. Upon notification by an investigating law enforcement agency that a suspect in a case involving the death or serious injury of a peace officer has not been apprehended and may be a serious threat to the public, the investigating law enforcement agency shall activate the Blue Alert system and shall notify appropriate participants in the Blue Alert system, as established by regulations promulgated pursuant to this subchapter, when the investigating law enforcement agency believes that:

- (1) a suspect has not been apprehended;
- (2) a suspect may be a serious threat to the public; and
- (3) sufficient information is available to disseminate to the public that could assist in locating and apprehending the suspect.

(b) When a Blue Alert is activated pursuant to Subsection (a) of this Section, the investigating law enforcement agency shall provide the descriptive information to the Delaware Criminal Justice Information System (DELJIS) and the National Crime Information Center (NCIC) system. The investigating law enforcement agency shall also notify the Delaware Information Analysis Center (DIAC), which shall make all necessary notifications and provide appropriate assistance to the investigating law enforcement agency.

(c) When an investigating law enforcement agency receives notice that a law enforcement officer has been seriously injured or killed, the agency shall send an alert to designated media outlets in Delaware. The alert must include all appropriate information that may assist in the speedy apprehension of the suspect, including a statement instructing any person with information relating to the incident causing the serious injury or death of the law enforcement officer to contact the investigating law enforcement agency.

(d) The investigating law enforcement agency shall assess the appropriate boundaries of the Blue Alert based on the nature of the suspect and the circumstances surrounding the crime. The Blue Alert area may be less than statewide if the investigating law enforcement agency determines that the nature of the event makes it probable that the suspect did not leave a designated geographic location.

§ 8587 Termination of a Blue Alert.

(a) The investigating law enforcement agency shall terminate the Blue Alert with respect to a particular suspect when the suspect is located or the incident is otherwise resolved, or when the investigating law enforcement agency determines that the Blue Alert system is no longer an effective tool for locating and apprehending the suspect.

(b) The investigating law enforcement agency shall notify other law enforcement agencies, DELJIS, NCIC, the DIAC, and other appropriate participants in the Blue Alert system, when a Blue Alert for a particular suspect has been terminated. The investigating law enforcement agency shall also notify the designated media outlets when a Blue Alert for a particular suspect has been terminated.”.

Section 2. Severability. If any provision of this Subchapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Subchapter which can be given effect without the invalid provision or application, and to this end the provisions of this Subchapter are severable.

Section 3. Effective Date. This Act shall take effect on January 1, 2011.