
THIRD READING

Bill No: AB 1314
Author: Ramos (D), Cristina Garcia (D) and Mathis (R), et al.
Amended: 8/15/22 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-0, 6/28/22
AYES: Bradford, Ochoa Bogh, Kamlager, Skinner, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 77-0, 5/6/21 (Consent) - See last page for vote

SUBJECT: Emergency notification: Feather Alert: endangered indigenous people

SOURCE: Author

DIGEST: This bill establishes the Feather Alert system, to aid in location of an Indigenous person who has been involuntarily abducted or kidnapped.

Senate Floor Amendments of 8/15/22 make a technical change by striking out the term: “an emergency Digital Information Service message” from the methods which the Department of the California Highway Patrol (CHP) may use to assist an investigating law enforcement agency upon activation of a “Feather Alert.”

ANALYSIS:

Existing law:

- 1) States that if an abduction has been reported to a law enforcement agency and the agency determines that a child 17 years of age or younger, or an individual with a proven mental or physical disability, has been abducted and is in imminent danger of serious bodily injury or death and there is information available that, if disseminated to the general public, could assist in the safe recovery of the victim, the agency, through a person authorized to activate the

Emergency Alert System (EAS), shall request the activation of the EAS within the appropriate local area. (Gov. Code, § 8594 (a).)

- 2) Provides that the CHP, in consultation with the Department of Justice, as well as a representative from the California State Sheriffs' Association, the California Police Chiefs' Association and the California Police Officers' Association, shall develop policies and procedures providing instructions specifying how law enforcement agencies, broadcasters participating in the EAS, and where appropriate, other supplemental warning systems, shall proceed after qualifying abduction has been reported to a law enforcement agency. (Gov. Code, § 8594 (b).)
- 3) Defines a "Blue Alert" as a quick response system designed to issue and coordinate alerts following an attack upon a law enforcement officer, as specified. (Gov. Code, § 8594.5, (a).)
- 4) Provides that in addition to the circumstances described under existing law relating to "Amber Alerts", upon the request of an authorized person at a law enforcement agency that is investigating an offense, the CHP shall activate the EAS and issue a blue alert if all of the following conditions are met:
 - a) A law enforcement officer has been killed, suffers serious bodily injury, or is assaulted with a deadly weapon, and the suspect has fled the scene of the offense;
 - b) A law enforcement agency investigating the offense has determined that the suspect poses an imminent threat to the public or other law enforcement personnel;
 - c) A detailed description of the suspect's vehicle or license plate is available for broadcast;
 - d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect; and,
 - e) The CHP has been designated to use the federally authorized EAS for the issuance of blue alerts. (Gov. Code, § 8594.5 (b).)
- 5) Provides that the "Blue Alert" system incorporates a variety of notification resources and developing technologies that may be tailored to the circumstances and geography of the underlying attack. The blue alert system shall utilize the state-controlled Emergency Digital Information System, (EDIS) local digital signs, focused text, or other technologies, as appropriate, in addition to the

federal EAS, if authorized and under conditions permitted by the federal government. (Gov. Code, § 8594.5 (c).)

- 6) Defines a "Silver Alert" as a notification system, that can be activated as specified, and is designed to issue and coordinate alerts with respect to a person 65 years of age or older who is reported missing. (Gov. Code, § 8594.10 . (a).
- 7) Provides that if a person is reported missing to a law enforcement agency, and that agency determines that specified requirements are met, The agency may request the CHP to activate a "Silver Alert". If the CHP concurs that the specified requirements are met, it shall activate a "Silver Alert" within the geographical area requested by the investigating law enforcement agency. (Gov. Code § 8594.10. (c).)
- 8) States that a law enforcement agency may request a "Silver Alert" be activated if that agency determines that all of the following conditions are met in regard to the investigation of the missing person:
 - a) The missing person is 65 years of age or older;
 - b) The investigating law enforcement agency has utilized all available local resources;
 - c) The law enforcement agency determines that that the person has gone missing under unexplained or suspicious circumstances;
 - d) The law enforcement agency believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or there are other factors indicating that the person may be in peril; and,
 - e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person. (Gov. Code § 8594.10 (c).)

This bill:

- 1) Authorizes the CHP to activate a Feather Alert upon request by a law enforcement agency that following requirements are met.
 - a) The missing person is an indigenous woman or an indigenous person.
 - b) The investing law enforcement agency has utilized local and tribal resources.

- c) The law enforcement agency determines that the person has gone missing under unexplainable or suspicious circumstances.
 - d) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.
- 2) Provides that the CHP may use a changeable message sign if the law enforcement agency determines a vehicle was used in the incident and there is specific identifying information about the vehicle.
 - 3) Defines “Feather Alert” as a notification system, activated to issue and coordinate alerts with respect to endangered indigenous people, specifically indigenous women or indigenous people, who are reported missing under unexplained or suspicious circumstances.
 - 4) Requires the CHP to evaluate this bill, including the efficacy, the advantages, and the impact to other alert programs and submit it to the Governor and Legislature no later than January 1, 2027.
 - 5) Makes legislative findings and declarations.

Comments

According to the author:

The Missing and Murdered Indigenous People (MMIP) Epidemic has been a problem across the nation and in the State of California. The National Institute of Justice 2016 report found that 84% of American Indian/Alaska Native women (1.5 million people) experience violence in their lifetimes, 67% were concerned for their own safety, and 41% had been physically injured from physical violence by intimate partners, stalking, and sexual violence. Underreporting, racial misclassification, bias, and lack of resources to follow through and close cases are challenges when working on MMIP cases.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 8/15/22)

Cahuilla Consortium Victim Advocacy Program
California Consortium for Urban Indian Health
California State Sheriffs' Association
California Tribal Business Alliance
California Tribal Families Coalition

Los Coyotes Band of Cahuilla and Cupeno Indians
Picayune Rancheria of the Chukchansi Indians
San Manuel Band of Mission Indians
Santa Ynez Band of Chumash Indians
Shingle Springs Band of Miwok Indians
Torres Martinez Band of Desert Cahuilla Indians
Yocha Dehe Wintun Nation
Yurok Tribe

OPPOSITION: (Verified 8/15/22)

None received

ARGUMENTS IN SUPPORT: In support of this bill, the Yurok Tribe states:

The Alert system created by AB 1314 will be utilized as an emergency alert issued by the Department of the California Highway Patrol, when a law enforcement agency determines that an Indigenous person is missing under suspicious circumstances.

California has the largest population of Native Americans out of any state in the United States and the fifth largest caseload of MMIWP. Indigenous people are disproportionately affected by domestic violence, human trafficking, and murder, and become missing at much higher rates than people of other races. Furthermore, in a report published by the Sovereign Bodies Institute in 2020 there were 165 Missing Murdered Indigenous Women Girls and Two Spirit (MMIWG2) cases reported throughout California. At the time, this made California among the top five states in the nation with the highest number of cases.

Current alert systems, such as the AMBER alert, have been incredibly beneficial to the rescue of missing persons. As of May 1, 2022 the AMBER alert has contributed to the recovery of 1,114 children. Additionally, there is no current alert system in place in California for Indigenous women and people who go missing. The alert system created by AB 1314 will help locate the individual who is missing in the critical first 48 hours. It will also improve communication between law enforcement agencies and local jurisdictions, and will also serves to increase awareness about the crisis of missing Indigenous people, particularly women and girls.

ASSEMBLY FLOOR: 77-0, 5/6/21

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon

NO VOTE RECORDED: Mullin

Prepared by: Mary Kennedy / PUB. S. /
8/16/22 15:52:46

**** END ****