

CONCURRENCE IN SENATE AMENDMENTS

AB 1314 (Ramos, et al.)

As Amended August 15, 2022

Majority vote

SUMMARY

Original Committee of Reference: M. and V.

This bill establishes the Feather Alert system, to aid in the location of an Indigenous person who has gone missing under suspicious circumstances, been abducted or kidnapped.

Senate Amendments

Current Committee Recommendation: Do pass.

- 1) Substantially amends the version the Assembly voted on.
- 2) 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.
- 3) Provides that 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.
- 4) 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.
- 5) Requires CHP to evaluate this bill, as specified, and submit it to the Governor and Legislature no later than January 1, 2027.

COMMENTS

Integrated Public Alert & Warning System: The Integrated Public Alert & Warning System (IPAWS) is FEMA's national system for local alerting that provides authenticated emergency and life-saving information to the public through mobile phones using Wireless Emergency Alerts (WEA), to radio and television via the Emergency Alert System, and on the National Oceanic and Atmospheric Administration's Weather Radio. For California, FEMA and Cal OES designate entities with the authority to alert and warn the public when there is a disaster, threat, or dangerous or missing person. More than 1,500 federal, state, local, tribal and territorial entities use IPAWS to send alerts and warnings.

California Public Alert and Warning System (CalPAWS) Plan: Developed by Cal OES, the purpose of the CalPAWS plan is to formalize effective processes and recommended standardized policies for alerting and warning California residents during local and state disasters. This plan integrates new and existing public alert, warning, and notification systems to offer state and local authorities an assortment of capabilities and dissemination channels for emergency alerts.

Alert Systems: The first alert system developed in California was "Amber Alert", which authorized law enforcement agencies to use the digital messaging on overhead roadway signs to assist in recovery efforts for child abduction cases. After a successful implementation, the "Blue Alert" and the "Silver Alert" notification systems were developed. The "Blue Alert" system provides for public notification when a law enforcement officer has been attacked and the "Silver Alert" notification system provides for public notification when either 1) a person age 65 years or older or 2) a person who is developmentally disabled or cognitively impaired is missing.

Individual County and City Alerts: Each County in California has an alerting program that residents can sign up for and receive alerts for emergencies in a specific county. Many cities also have their own unique programs. There are multiple vendors available for counties and cities to contract with to provide alerts. Not every county and city use the same vendor or system.

Missing and Murdered Indigenous Women and People (MMIWP): California has the largest population of Indigenous people compared to any other state. In 2020, the Sovereign Bodies Institute published a report identifying 165 MMIWP and Two Spirit cases reported throughout California. As of 2020, these results identified California as the state with the fifth highest number of cases.

The National Institute of Justice 2016 report made the following findings:

- 1) 84% of American Indian/Alaska Native women (1.5 million people) experience violence in their lifetimes
- 2) 67% were concerned for their own safety, and
- 3) 41% had been physically injured from physical violence by intimate partners, stalking, and sexual violence.

It is important to note that, due to underreporting, racial misclassification, and prejudice, these statistics likely do not reflect the true number of cases.

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."

Arguments in Support

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."

They continue, "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 serve to increase awareness about the crisis of missing Indigenous people, particularly women and girls."

Arguments in Opposition

None on file.

FISCAL COMMENTS

A Fiscal Committee has not analyzed this bill.

VOTES

ASM MILITARY AND VETERANS AFFAIRS: Vote Not Relevant

YES:

ASSEMBLY FLOOR: Vote Not Relevant

YES:

ABS, ABST OR NV:

SENATE FLOOR: 40-0-0

YES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

ASM EMERGENCY MANAGEMENT: 6-0-1

YES: Rodriguez, Seyarto, Aguiar-Curry, Calderon, Gray, Ward

ABS, ABST OR NV: Waldron

UPDATED

VERSION: August 15, 2022

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FN: 0004389